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Docket: EPA-R06-OAR-2017-0558
LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0043
LA060.043 Air Quality State Implementation Plans; Approvals and Promulgations; Louisiana; Finding of Failure to Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area, Proposed rule, 6 pages

Document: EPA R06 OAR 2017 0558 0045
LA060.45 Comments from Concerned Citizens Around Murphy on EPA-R06-OAR-2017-0558-0043

Submitter Information

Email: (b) (6)
Organization: Concerned Citizens Around Murphy

General Comment

See attached file(s)

Attached please find public comments on EPA R06 OAR 2017 0558 0043

Attachments

EPA-R06-OAR-2018-0558-0043 - Google Docs

EPA-R06-OAR-2018-0558-0043

Concerned Citizens Around Murphy appreciate the opportunity to submit comments to the EPA on the designation of St Bernard Parish Louisiana as non-attainment for the 2010 one-hour sulfur dioxide national ambient air quality standard.

It's past time for the EPA to step in and step it up for the people of Louisiana.

Louisiana DEQ should be required to submit to EPA and revise the Louisiana State Implementation Plan (SIP), provide for expeditious attainment of the 2010 one-hour sulfur dioxide national ambient air quality standard, and provide for additional measures to protect public health.

We request EPA consider these requirements include an updated air dispersion modeling for all sulfur dioxide sources in St Bernard Parish. The previous modeling shows attainment of the NAAQS with maximum modeled concentrations ""just below"" the 75 ppb standard. In recent years, not only has a particular source, Rain Carbon CII (AI 2557), seemed challenged to meet its regulatory requirements, its also received several operating variances. Other major sources in St Bernard Parish have changed business models. One example is the additional coker unit at PBF Energy's Chalmette Refining LLC (AI 176) which restarted in 2018 for the first time in nine years, and the same refinery recently applied for an initial Title V Part 70 operating air permit for a proposed renewable diesel unit. An updated air dispersion modeling analysis is warranted.

The precarious balance of air quality in St Bernard Parish requires a comprehensive approach to protect public health and quality of life. In St Bernard Parish Louisiana, given the lack of space between the plants and the neighborhoods, EPA should require stricter measures for lower emissions at all sources. EPA should protect what good air is left in our communities and conduct both a human health risk assessment and a cumulative impact analysis for the human environments within ten miles of each site of heavy industry in St Bernard Parish, Louisiana; not just for sulfur dioxide, not just for particulate matter, not just for benzene, but for all emissions.

Innovations in control technology and business practices are always evolving and improving and have proven protective of public health and air quality. EPA should require implementation of the best technologies and business practices in both St Bernard and Orleans Parishes. EPA should require LDEQ update its State Ambient Air Standards [AAS] for air toxins, as standards should be reviewed periodically and improved as technology and best business practices improve. When was the last time Louisiana reviewed and improved its own ambient air standards?

In St Bernard Parish, La, EPA should consider delaying the issuance of all Title V air permits (initial, renewal, and or modification) until the human health risk assessment and cumulative impact analyses data are reviewed and required improvements incorporated in the Title V air permits. The actual implementation of the required controls and the enforcement of Title V air permits should not be subjected to political influences.

In addition to the large amounts of sulfur dioxide emissions, the neighborhoods near Rain Carbon CII and PBF Energy's Chalmette Refining LLC are exposed to large amounts of particulate matter. According to the EPA EJSCREEN 2018 Map Tool, some neighborhoods are in the 95 to 100% National and State percentile NATA diesel particulate matter. There is also concern about the combination of high particulate matter concentrations with the high sulfur dioxide emissions. According to the University of Massachusetts Political Economy Research Institute tool: Chalmette Elementary, a school with 71% minority enrollment in St Bernard Parish, is in the 3rd percentile for air quality and Martin Luther King Charter school, a school with 100% minority enrollment in the Lower 9th Ward of Orleans Parish, is in the10th percentile for air quality. It's difficult to learn, develop, and grow in such a degraded environment.

Given the numerous health and odor complaints from residents in Lower Algiers, Holy Cross, and Lower Ninth Ward neighborhoods in New Orleans, EPA should also consider that the updated air dispersion modeling for sulfur dioxide from industry in St Bernard Parish will and should also designate Orleans Parish non-attainment for the one-hour health standard for sulfur dioxide. Without such designation of Orleans Parish, LDEQ will not require lower emissions. Reliance on the placement of a single stationary air monitoring station is not enough to protect public health The LDEQ air quality monitoring network is not robust and has only 29 monitors for the entire State. EPA should consider this lack of appropriate monitoring does not prove an exceedance of air standards can not occur. EPA should at least consider requiring LDEQ re-install the previous air monitoring sites in Lower Algiers New Orleans, across the river from Chalmette, and the "Arabi site or another site closer to the Holy Cross and Lower Ninth Ward neighborhoods in Orleans.

EPA should also consider an updated comprehensive air modeling will and should designate St Bernard Parish non-attainment for particulate matter PM10 and PM2.5 levels.

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Docket: EPA-R06-OAR-2017-0558
LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0046
LA060.46 Proposed rule, extension of comment period; Louisiana; Finding of Failure To Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area. 2 pages

Document: EPA R06 OAR 2017 0558 0048
LA060.48 Citizen comment on EPA-R06-OAR-2017-0558-0046

Submitter Information

Name: debbie brandt
Address:
chalmette, LA, 70043
Email: (b) (6)

General Comment

As a resident of Chalmette,LA for 25 years I can attest to the fact that quite often the air has a horrible sulfur like odor to it. Sometimes it is pretty much unbearable and I have to go indoors to escape it. In the past I have called and complained several times I also have black residue on everything that is outside my home. I often wonder if this could be from the refinery.However some years back two people visited my home after I complained about the residue I was concerned because I had never experienced such dirt on everything where I had previously lived in New Orleans.They took samples and told me the black dirt was from the ships on the river and the heavy truck traffic near my home I never really believed that but figured there was nothing I could do.

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Docket: EPA-R06-OAR-2017-0558
LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0046
LA060.46 Proposed rule, extension of comment period; Louisiana; Finding of Failure To Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area. 2 pages

Document: EPA R06 OAR 2017 0558 0049
LA060.49 Citizen comment on EPA-R06-OAR-2017-0558-0046

Submitter Information

Name: Ron Chapman
Address:
Chalmette, LA, 70043
Email: nzrchapman34@hotmail.com
Phone: 504 (b) (6)

General Comment

My name if Ron Chapman and I live at 3312 Delille St. in CHalmette, LA 70043 email: nzrchapman34@hotmail com I am deeply concerned about the existiang SO2 emissions in the parish because I suffer from Chronic Hypersensitivity Pneumonitis. This is a progressive lung disease that gradually decreases my ability to breath It is generally related to the immune systems reaction to something in the environment. Since I find my breathing gets better when the wind comes from the north and worsens when it is a no wind situation or it comes from the south, I appears logical to assume that my problem is aggravated by the refineries to the south of me. I am particularly concerned because there is a plan to add a container yard in the area which is noted for massive SO2 emissions There is also an inordinate number of young people with respirator issues in the parish. I ask you to please examine all SO2 emissions in my area Breathing has always been a problem in St Bernard Problem Thanks, Ron Chapman

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LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0043
LA060.043 Air Quality State Implementation Plans; Approvals and Promulgations; Louisiana; Finding of Failure to Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area, Proposed rule, 6 pages

Document: EPA R06 OAR 2017 0558 0050
LA060.50 Citizen comment on EPA-R06-OAR-2017-0558-0043

Submitter Information

Name: Cristy Ourso
Address:
Meraux, LA, 70075
Email: (b) (6)
Phone: (504) (b) (6)

General Comment

Environmental impact to my Health and others

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Comment On: EPA R06 OAR 2017 0558 0043
LA060.043 Air Quality State Implementation Plans; Approvals and Promulgations; Louisiana; Finding of Failure to Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area, Proposed rule, 6 pages

Document: EPA R06 OAR 2017 0558 0051
LA060.51 Citizen comment on EPA-R06-OAR-2017-0558-0043

Submitter Information

Name: Cristy Ourso
Address:
Meraux, LA, 70075
Email: (b) (6)
Phone: (504) (b) (6)

General Comment

I have asthma and this will impact my health and the health of my children and grandchildren. The environmental impact of these trucks passing my house daily may put my life in danger I live in Meraux on St. Bernard Hwy and directly in the path of this port. So all the dust and debris that comes with the additional traffic is a danger to me And others like me Also with the big trucks passing my home all day everyday could probably do physical damage to my home. Who will pay for the structural damage that will be done? I am retired and on a fixed income This could destroy my life as I know it in so many ways. Please do not build this port!!!!

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Comment On: EPA R06 OAR 2017 0558 0043
LA060.043 Air Quality State Implementation Plans; Approvals and Promulgations; Louisiana; Finding of Failure to Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area, Proposed rule, 6 pages

Document: EPA R06 OAR 2017 0558 0052
LA060.52 Anonymous comment on EPA-R06-OAR-2017-0558-0043

Submitter Information

Name: Anonymous Anonymous
Email: (b) (6) [redacted]

General Comment

I have lived in Holy Cross, LA just blocks from St Bernard Parish off and on, since 2008 I lived there for six straight years with my husband and two small children. Some days when the wind was blowing a certain way, or who knows why, it would hurt to breathe outside, the air would be so toxic, with a chemical acridity you could immediately smell upon going outside, taste in your mouth, and feel in the back of your throat It hurt our lungs, it gave us sore throats and coughs Those days we tried to stay indoors. Sometimes those days seemed to come around a lot. We would sigh over it with the neighbors, roll our eyes, call a hotline to report to the EPA or some other entity, give up, feel badly about living there, keep breathing that toxic air… That one chemical company has been non compliant with EPA regulations for 10 years and has been fined repeatedly Why is it still not compliant? Why is the air quality still so bad? Oh, we know why. Money. Corruption. And we know they think they can just get away with more (and they do) when it generally affects the most powerless groups of people St Bernard Parish and the Lower Ninth Ward is comprised largely of the poor and working class. The Lower Ninth Ward also has a majority of people of color I just read in one of these documents that the air quality at two primary schools - one in St. Bernard and one in the Lower Ninth Ward - was in the third and tenth percentile in the nation, respectively It almost couldn't get worse How can anyone do that to our kids and get away with it? It is shameful. These kids and these people deserve better. STOP this illegal and immoral polluting of our air and our people I have little faith it will happen, but we can't stop fighting for it.

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Comment On: EPA R06 OAR 2017 0558 0043
LA060.043 Air Quality State Implementation Plans; Approvals and Promulgations; Louisiana; Finding of Failure to Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area, Proposed rule, 6 pages

Document: EPA R06 OAR 2017 0558 0053
LA060.53 Anonymous (DUPLICATE: same as LA060.52) comment on EPA-R06-OAR-2017-0558-0043

Submitter Information

Name: Anonymous Anonymous
Email: (b) (6)

General Comment

I have lived in Holy Cross, LA just blocks from St Bernard Parish off and on, since 2008 I lived there for six straight years with my husband and two small children. Some days when the wind was blowing a certain way, or who knows why, it would hurt to breathe outside, the air would be so toxic, with a chemical acridity you could immediately smell upon going outside, taste in your mouth, and feel in the back of your throat It hurt our lungs, it gave us sore throats and coughs Those days we tried to stay indoors. Sometimes those days seemed to come around a lot. We would sigh over it with the neighbors, roll our eyes, call a hotline to report to the EPA or some other entity, give up, feel badly about living there, keep breathing that toxic air… That one chemical company has been non compliant with EPA regulations for 10 years and has been fined repeatedly Why is it still not compliant? Why is the air quality still so bad? Oh, we know why. Money. Corruption. And we know they think they can just get away with more (and they do) when it generally affects the most powerless groups of people St Bernard Parish and the Lower Ninth Ward is comprised largely of the poor and working class. The Lower Ninth Ward also has a majority of people of color I just read in one of these documents that the air quality at two primary schools - one in St. Bernard and one in the Lower Ninth Ward - was in the third and tenth percentile in the nation, respectively It almost couldn't get worse How can anyone do that to our kids and get away with it? It is shameful. These kids and these people deserve better. STOP this illegal and immoral polluting of our air and our people I have little faith it will happen, but we can't stop fighting for it.

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LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0046
LA060.46 Proposed rule, extension of comment period; Louisiana; Finding of Failure To Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area. 2 pages

Document: EPA R06 OAR 2017 0558 0054
LA060.54 Anonymous comment on EPA-R06-OAR-2017-0558-0046

Submitter Information

Name: Anonymous Anonymous

General Comment

The people of St. Bernard deserve clean air. They deserve to not live in fear of cancer. They deserve to not find residue from the refineries on their property Please do not allow these refineries to continue with this dangerous and immoral behavior. It is clear that they have no regard for the safety and well-being of the residents In addition to the issue of these emissions, the Port of New Orleans is actively attempting to build a container yard in Violet, LA, which will only add to the current emissions problem. I urge the EPA to continue to inspect the pollution levels in our area and to actively pursue penalties Now, more than ever, this community needs the help of the federal government to ensure they live in a area that is free of dangerous toxins and pollution

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LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0046
LA060.46 Proposed rule, extension of comment period; Louisiana; Finding of Failure To Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area. 2 pages

Document: EPA R06 OAR 2017 0558 0055
LA060.55 Citizen comment on EPA-R06-OAR-2017-0558-0046

Submitter Information

Name: John Dalier
Address:
Chalmette, LA, 70043
Email: (b) (6)

General Comment

The emission issues have been ongoing beyond 10 yrs Numerous citizens complaints have been filed throughout the years. Citizens groups were actively involved in trying to get the environmental agencies to address these issues (H2s, SO2 and Pm) All one has to do is research LDEQ's monitor records and the out of compliance #'s are there. And have been for years. What's absurd is that I read an article putting the blame on the prior presidential administration In all actuality, it goes back many administrations Most importantly, the governor's of Louisiana. They basically placed a "stand down" on enforcement of violators LDEQ responds to a complaint days/weeks/etc after the fact and either finds no issues, calls the "Fox guarding the hen house" and no upsets reported. But yet, when industry files their edms report to LDEQ some upsets are reported on dates of complaints It's absurd that there's one environmental law that supersedes all others when permitting these industries - ECONOMICS. Now the Port of New Orleans authority wants to put a container facility which will add more pollution from diesel trucks and increased railroad transportation. IMO, LDEQ's inaction over the years on these issues is contradictory to the mission statement on their website "The mission of the Department of Environmental Quality is to provide service to the people of Louisiana through comprehensive environmental protection in order to promote and protect health, safety and welfare while considering sound policies that are consistent with statutory mandates".

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Docket: EPA-R06-OAR-2017-0558
LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0043
LA060.043 Air Quality State Implementation Plans; Approvals and Promulgations; Louisiana; Finding of Failure to Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area, Proposed rule, 6 pages

Document: EPA R06 OAR 2017 0558 0056
LA060.56 Citizen comment on EPA-R06-OAR-2017-0558-0043

Submitter Information

Name: brehm Rachel
Address:
Saint Bernard, LA, 70085
Email: (b) (6)

General Comment

My 8 year old was diagnosed with cancer in 2020 He went through a full year of chemo We lived close to Valero at the time . We moved to lower st Bernard to get away from the industrial area of chalmette and now we may be forced to move again bc of a container terminal threatening our home Please seek it in your heart to save our home and spear our children from the dangerous air quality that this terminal will bring You are threatening the lives of our youth My son had to go through it already How many more children will be affected by this danger.....

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Docket: EPA-R06-OAR-2017-0558
LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0043
LA060.043 Air Quality State Implementation Plans; Approvals and Promulgations; Louisiana; Finding of Failure to Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area, Proposed rule, 6 pages

Document: EPA R06 OAR 2017 0558 0057
LA060.57 Citizen comment on EPA-R06-OAR-2017-0558-0043

Submitter Information

Name: Lisa Jones
Address:
Violet, LA, 70092
Email: (b) (6) [redacted]

General Comment

I was born and raised in St Bernard parish and still live here I never thought in all my life I would have to fight this battle to save my parish. It's a little bayou town where you can go fishing in your yard and have a relaxing day But if this port happens, I feel like it won't be relaxing to be outside This port will bring poor air quality and much more. This port should NOT happen!!!

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LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0043
LA060.043 Air Quality State Implementation Plans; Approvals and Promulgations; Louisiana; Finding of Failure to Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area, Proposed rule, 6 pages

Document: EPA R06 OAR 2017 0558 0058
LA060.58 Citizen comment on EPA-R06-OAR-2017-0558-0043

Submitter Information

Name: Ann Maier
Address:
NEW ORLEANS, LA, 70117
Email: (b) (6)
Phone: 720(b) (6)

General Comment

I am a homeowner near Chalmette. My neighborhood suffers from the air toxins emitted by the refineries and plants in Chalmette, St Bernard Parish The contaminants do not stop at the Parish line The airflow and wind patterns carry contamination into the Lower 9th Ward of Orleans Parish where my neighbors and I suffer from the lung issues, headaches and long term effects of Sulfur Dioxide pollution The levees built to protect us from flood waters also act as boundaries for the heavily contaminated air. We sit in a bowl with these contaminants We know that the smell of sulfur is more than just an annoyance

We request the air monitoring near the plant be implemented immediately We request that air monitoring for a larger contaminated area be undertaken to protect the health and well-being of all those impacted by this uncontrolled pollution
Our front-line, underserved, community of color was visited by EPA Administrator Michael Regan recently on his "Justice Tour" We appreciate his awareness of the environmental racism and inequity of pollution impact in our state and in our country.
Please, call industry into compliance with EPA standards
Thank you for your attention,
Ann Maier
1808 Tennessee Street
New Orleans, Louisiana 70117

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LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0043
LA060.043 Air Quality State Implementation Plans; Approvals and Promulgations; Louisiana; Finding of Failure to Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area, Proposed rule, 6 pages

Document: EPA R06 OAR 2017 0558 0059
LA060.59 Citizen comment on EPA-R06-OAR-2017-0558-0043

Submitter Information

Name: David Young
Address:
New Orleans, LA, 70117
Email: (b) (6)
Phone: 504 (b) (6)

General Comment

I am a resident of the Lower Ninth Ward in New Orleans, LA and live about 3 miles from Chalmette Refinery but travel to St Bernard Parish and the area of the Chalmette Refinery for personal and business commerce. There are many times the smell of the refinery is noticeable from my home. Many times as I drive closer to the proximity of the refinery the odor becomes stronger and more irritating to breathing About two weeks ago I had someone with me as we got within visual distance of the refinery he commented "it smells like rotten eggs"! I could only say it's always that way, just not this bad all the time We ended up taking a different route that took us out of our way but further away from the refinery smell. This definitely effects how much business I conduct in the area of the refinery in a negative manner

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Comment On: EPA R06 OAR 2017 0558 0043
LA060.043 Air Quality State Implementation Plans; Approvals and Promulgations; Louisiana; Finding of Failure to Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area, Proposed rule, 6 pages

Document: EPA R06 OAR 2017 0558 0060
LA060.60 Anonymous comment on EPA-R06-OAR-2017-0558-0043

Submitter Information

Name: Anonymous Anonymous
Email: (b) (6) [redacted]

General Comment

Thank you for the opportunity to discuss this very important issue for St Bernard Parish

This is a community that has made significant strides in recovering from Hurricane Katrina One issue that is talked about often is "quality of life". We want people to live here, work here, enjoy life here.

We have great schools and we have a great police force. We have billions in new hurricane protection and we are starting to get our act together when it comes to interior drainage We have tons of fishing We are building bike trails. We have great youth sports facilities. This is a great community to raise a family.

And then you walk outside on a Sunday afternoon and it stinks. Or you are driving on a Saturday afternoon and all of a sudden, this smell enters the car You know it can't be good You know it's not healthy. You check your location... and then realize... ahh one of the plants is putting something into the air

Our society needs the things these plants produce, and our community needs the jobs that these plants produce. We don't want to over-regulate companies out of existence.

However, we have a reasonable expectation that companies will abide by the regulations that are in play. And we have a reasonable expectation that when companies fail to do so, they are held accountable

For far, far too long, there has been no accountability This needs to end

Please ensure that these companies are required to abide by these rules Accidents happen but when

they happen often are they really accidents?

By ensuring that these companies stay within the permitted standard, we are helping to ensure a great qualify of life for today and for years to come.

Again, thank you for the opportunity to comment, and for taking these necessary steps.

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LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0046
LA060.46 Proposed rule, extension of comment period; Louisiana; Finding of Failure To Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area. 2 pages

Document: EPA R06 OAR 2017 0558 0061
LA060.61 Citizen comment on EPA-R06-OAR-2017-0558-0046

Submitter Information

Name: Melissa Smith
Address:
Arabi, LA, 70032

General Comment

Louisiana DEQ performs more like a permit expediter instead of a regulator. Do not allow all these plants in St Bernard Parish to continue with their cozy Corporatocracy; enforce the State Implementation Plan that will make the air breathable again. Do not allow the plants to continue the status quo just because United States Senator Bill Cassidy asks you to It is clear that LDEQ is very much controlled by the State Governor, and neither has regard for the safety and well-being of the residents. In addition to the sulfur dioxide issue, the Governor's appointed Port of New Orleans Board of Commissioners is actively attempting to build a mega international port, terminal, and container yard in Violet, St. Bernard Parish LA, which will only add to the current air quality and Regional Haze problems The magnitude of this project will bring numerous additional shipping vessels, rail cars and trains, and diesel trucks to our small community Thousands of large trucks per day This pending project, while not a stationary source, will bring a lot of its own pollution and some areas of St. Bernard Parish are already in the 95% to 100% NATA diesel particulate matter That is not good The EPA should require the LDEQ to include this mega proposal by the Port of New Orleans (called the Louisiana International Terminal "LIT"), include its emissions in the sulfur dioxide modeling and in its current Regional Haze plan EPA should also look into particulate matter levels in St. Bernard Parish. I urge the EPA to continue to inspect the pollution levels in our area and to actively work with LDEQ and ensure all State SIP plans are compliant with the Clean Air Act and that the State SIPs are actually implemented. Now, more than ever, this little community needs the help of the federal government to ensure we can all live in a area that is free of dangerous toxins and pollution. Implement a protective SIP and perform a human health assessment and a total toxic exposure review

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Comment On: EPA R06 OAR 2017 0558 0043
LA060.043 Air Quality State Implementation Plans; Approvals and Promulgations; Louisiana; Finding of Failure to Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area, Proposed rule, 6 pages

Document: EPA R06 OAR 2017 0558 0062
LA060.62 Greater New Orleans Interfaith Climate Coalition, Inc. comment on EPA-R06-OAR-2017-0558 0043

Submitter Information

Email: (b) (6)
Organization: Greater New Orleans Interfaith Climate Coalition, Inc

General Comment

See attached file, prepared and submitted by the Greater New Orleans Interfaith Climate Coalition, Inc.

Attachments

GNOICC Comments to EPA Proposed Rule re SO2 Standard Non-Attainment for St. Bernard Parish_06 Jan 2022

United States Environmental Protection Agency Region VI

Attn: Dr. Earthea Nance, Regional Administrator

1201 Elm Street, Suite 500

Dallas, Texas 75270

State of Louisiana, Department of Environmental Quality

Elliott B. Vega, Assistant Secretary

Post Office Box 4313

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Public Comments for EPA Proposed Rule re Finding of Failure to Attain the Primary 2010 One-Hour Sulfur Dioxide Standard for St. Bernard Parish, LA Non-Attainment Area (Docket No. EPA-R06-OAR-2017-0558, (LA060.043))

The Greater New Orleans Interfaith Climate Coalition (GNOICC) submits the following comments in qualified support of EPA's Proposed Determination that "the St. Bernard area did not attain the 2010 one-hour SO2 NAAQS by the October 4, 2018 attainment date." GNOICC believes that even a relatively cursory, let alone a comprehensive, review of LDEQ's historic failures to protect the residents of St. Bernard Parish from exposure to elevated levels of toxic and hazardous air pollutants will convincingly demonstrate that LDEQ has institutionalized a practice that prioritizes industrial facility permit approvals at the expense of protection of the public health, safety, and the environment of the most vulnerable of those residents.

Two members of GNOICC's Legislative Policy Committee met via Zoom call with three Louisiana Department of Environmental Quality (LDEQ) representatives on August 17, 2021 to discuss why LDEQ does not expeditiously require industrial sources of air pollution to install readily available technologies to detect, measure, and, thereafter, reduce the concentrations of air pollutants generally and sulfur dioxide specifically. We also discussed the need for meaningful public participation to ensure that the low-income and minority residents who live closest to the fencelines of the polluting facilities can actually share the details of their and their families' exposures to hazardous and toxic air pollutants with the owners and operators of the polluting facilities and LDEQ's administrators and scientists. To the extent that LDEQ fails to reach out to, and provide these residents with, the information necessary to understand both LDEQ's permitting processes and the public health impacts of the emissions data LDEQ obtains from the industries whose pollution sickens them, then those residents will be disabled from effectively communicating the harms they suffer from their exposures to industrial air pollutants. LDEQ's practices, if not its policies, seem designed to frustrate due process for the state's most vulnerable populations. Adequate notice and a real opportunity to be heard are the essence of due process. LDEQ's air program permitting process consistently fails to provide those basics.

As the history of LDEQ's ineffectual regulation of the Rain CII Carbon, LLC and the Chalmette Refinery, LLC facilities demonstrates, LDEQ regards as its primary responsibility the expeditious review and approval of industrial permit applications, coupled with occasional enforcement actions that are characterized as much by their long delays as by their ineffectual sanctions. When this preferential treatment of industrial polluters is combined with a failure to acknowledge the need for, let alone perform, cumulative impact analyses of the polluters' emissions throughout all affected neighborhoods, followed by permit-based emissions limits that fail to be quickly, consistently, and aggressively enforced, the inevitable outcome is the effective transformation of the residential neighborhoods at the fencelines of these proliferating industrial polluters' facilities into human sacrifice zones. LDEQ treats industrial polluters as its clients at the expense of the public whose personal and community health those polluters damage with an almost routine impunity. The name for the institutionalization of this practice is "regulatory capture." It is the reason why LDEQ has lost any semblance of public trust and is instead regarded as a biased and untrustworthy administrator.

On behalf of the residents of the state of Louisiana generally and the residents of St. Bernard Parish in particular, GNOICC requests that EPA withdraw its approval of the State of Louisiana's authority to implement the federal Clean Air Act within St. Bernard Parish and that, instead, EPA Region VI assume the authority and responsibility for designing, approving, and enforcing air quality implementation plans for St. Bernard Parish.

I. A major reason why there is a sulfur dioxide problem is that LDEQ consistently disregards public comments submitted for each permit application process it oversees. The most recent example of this practice is seen in LDEQ's December 21, 2021 approval of the PBF Chalmette Refinery, LLC's (CRLLC's) application for a Part 70 permit to construct and operate a Renewable Diesel Unit at its existing industrial facility complex. The basis for this permit approval is found in document number 13054200 on LDEQ's EDMS site for AI #1376. This

document purports to explain why LDEQ regards each of the 100 comments as invalid. The expedited issuance of this RDU permit on December 21, 2021 occurred less than six (6) weeks after the November 9, 2021 public hearing on the permit.

On December 2, 2021, midway between the date of the public hearing on the RDU project permit application and LDEQ's approval of that permit application on December 21, 2021, CRLLC delivered to LDEQ a variance request (EDMS document number 13042019) for the advance construction of subsurface foundations for a pretreatment unit associated with the larger RDU project. That variance request was received, processed, reviewed, and approved by three levels of LDEQ officials between December 2 and December 9, without any notice to the general public, let alone to the people who had testified in opposition to the RDU permit application on November 9.

GNOICC learned of CRLLC's variance request and LDEQ's approval on December 20, 2021, by a fortuitous search of LDEQ's EDMS database – one day prior to LDEQ's approval of CRLLC's application for the underlying RDU project permit. Neither CRLLC's variance request nor LDEQ's approval of that request identified any LDEQ air program regulation(s) that might or would be violated if the request were not approved, despite an LDEQ requirement that every variance request identify such regulation(s) with specificity. Additionally, neither CRLLC's variance request nor LDEQ's approval of that request explained, as required, how "exceptional circumstances" precluded CRLLC from complying with LDEQ regulations...because no such regulation(s) existed. In fact, CRLLC essentially concedes that the U.S. Army Corps of Engineers and not LDEQ is the agency with regulatory authority over the construction of subsurface foundations within a vulnerable zone of the Mississippi River levee system for a pretreatment unit associated with the larger proposed Renewable Diesel Unit whose permit application was being reviewed by LDEQ.

The PBF Chalmette Refinery is located immediately to the east of the Rain CII Carbon facility in Chalmette, The PBF Chalmette Refinery also emits sulfur dioxide pollution to the ambient air of St. Bernard Parish in amounts that are significant, although substantially less than Rain CII Carbon's sulfur dioxide emissions. GNOICC suggests that, under these circumstances, as well as the history of past and ongoing LDEQ enforcement actions against the PBF Chalmette Refinery, it is not unreasonable to conclude that CRLLC and LDEQ knew that once EPA finalized the proposed rule which is the subject of this Docket No. EPA-R06-OAR-2017-0558, (LA060.043), the revisions to the SIP for sulfur dioxide emissions in the area of St. Bernard Parish that LDEQ would be required to submit for EPA approval and oversight might further delay and complicate the review and processing of the Part 70 air permit application for CRLLC's Renewable Diesel Unit. Had LDEQ conducted a cumulative impact analysis for sulfur dioxide emissions in St. Bernard Parish, the sulfur dioxide pollution contributions from CRLLC's facility immediately next to Rain CII Carbon's facility would require serious compliance attention instead of remaining completely unknown.

No new information about the Chalmette Renewable Diesel Unit, such as a site plan detailing the locations of the various elements of the project, was provided to the public after the November 9 public hearing and before the December 21 permit approval date, nor was the public informed of LDEQ's approval of the RDU permit until two weeks after its issuance, when it was uploaded to LDEQ's EDMS portal. There was no discussion or analysis of the Rain CII Carbon sulfur dioxide emissions in the Chalmette Renewable Diesel Unit permit application and there was no environmental assessment document in the CRLLC permit application despite the fact that the LDEQ public hearing officer at the November 9 hearing announced that one had been prepared and notwithstanding LDEQ's insistence that such a stand-alone "Environmental Assessment" document is somehow embedded in CRLLC's permit application. At the public hearing, GNOICC implored PBF Energy (CRLLC's parent entity) to conduct a cumulative impact analysis. LDEQ itself sent no representative to answer any public questions or concerns, as is its practice, and its hearing officer in charge of the public hearing only acted as an impartial "referee" of the hearing process and did not express any position regarding the merits of the permit application on behalf of LDEQ.

This is not meaningful public participation and the results speak for themselves. We believe it is imperative that EPA Region VI conduct a thorough evaluation of LDEQ's public participation policies and practices before that agency's permit issuance decisions result in the further degredation of the air quality in St. Bernard Parish and the physical health of its residents. An easy way to audit their public participation process is to identify all projects that have received more than 50 comments, then note if any comment ever resulted in a change in the project description. When the public's good-faith concerns are not valued, it makes the public hearing a perfunctory step to a forgone conclusion that is adverse to the public interest.

II. Another major reason why there is a sulfur dioxide problem is that the LDEQ has not and does not perform cumulative impact analyses. Louisiana law does not require a cumulative impact analysis. This rule-making for sulfur dioxide in St. Bernard Parish shows what happens when there is no cumulative analysis. There are multiple air permits in the parish that authorize emissions of sulfur dioxide. LDEQ only purports to evaluate the environmental impacts of each facility's emissions on an individual, facility-by-facility basis. Accordingly, it never sees the cumulative impacts of the emissions of a particular toxic or hazardous air pollutant across the spectrum of polluting facilities in any given geographical area because it chooses never to study those impacts. Louisiana law and LDEQ's air program administration practices are woefully inadequate to meet the requirements of the Clean Air Act and, therefore, GNOICC asserts that EPA must step in and oversee a cumulative impact analysis so that all emitters of sulfur dioxide in St. Bernard Parish bear the burden of this rulemaking.

III. The idea that there is some bright-line divide between a harmless and a harmful human exposure to air pollution is false: the more hazardous and toxic pollutants we inhale, the shorter our life becomes. Human health effects are now known to be associated with much lower levels of sulfur dioxide than previously believed. A greater degree of protection than the EPA's 2010 SO2 standard of 75 ppb is needed. Please consider using the World Health Organization's updated standard of 40 μg/m3 24-hour mean for this rulemaking. GNOICC urges EPA to

embrace the four central components of "the precautionary principle in environmental science," as that term is defined and discussed in the eponymously-titled article in the September, 2001 issue of Environmental Health Perspectives: take preventive action in the face of uncertainty; shift the burden of proof to the proponents of an activity; explore a wide range of alternatives to possibly harmful actions; and increase public participation in decision making. LDEQ not only completely fails to employ these sensibly protective principles of environmental health and science, its practices actively flaunt them.

IV. The Air Quality Index (AQI) system that guides regulatory policy and informs the public about health risk has broad failures, as detailed in the 2020 U.S. Government Accountability Office after a 2-1/2-year audit. This is largely due to the high cost of maintaining high quality sensors. In the context of this proposed rulemaking, there is only one sensor north of the Rain CII Carbon facility (AQS # 22-087-0007, Chalmette Vista). In the 2013 Technical Support Document (TSD) for the 2010 SO2 Primary National Ambient Air Quality Standard (at Table 5) shows that SO2 exceedances only occur on days when the wind is out of the south, days when Rain CII Carbon is upwind of the sensor. The AQI shows good air quality on days when the wind is not out of the south. We know that Rain CII Carbon routinely operates without regard to the direction of the wind on any particular day…and we know that the SO2 that Rain CII Carbon emits just happens to be blowing in the direction where no sensor is installed. Therefore, GNOICC requests that EPA encourage the use of low-cost but reliable sensors, such as those made by PurpleAir, as a part of this rulemaking and for the next update of the Louisiana Annual Monitoring Network Plan. It is better to have some information with lower-quality sensors than no information at all, especially if the AQI is being used to inform the public – inaccurately – that it is safe to go outside when it isn't. The LDEQ has shown an inability to correct the SO2 problem for at least a decade. It is an understatement to suggest that people who are regularly exposed to sulfur dioxide emissions need real-time data to protect themselves, their families and their neighborhoods. EPA's first communication to LDEQ on this subject was in 2013, more than ample evidence of the truth of the expression that justice delayed is justice denied.

V. GNOICC requests that EPA Region VI investigate the actual practice by which LDEQ receives, reviews, and reaches decisions to approve the issuance of air permits for facilities that emit hazardous and toxic air pollutants. §7428 of the Clean Air Act requires "any state board or body which approves permits or enforcement orders" under the Act to have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits, and to "adequately" disclose any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers. It is GNOICC's understanding, without benefit of exhaustive research, that one official at LDEQ has the nearly unfettered authority to determine the issuance or denial of permits (and to determine whether and when a public hearing will be held), and that no LDEQ permit issuance oversight board has two or more members of the public, if such a board exists at all. GNOICC is *neither* asserting *nor* suggesting here that any particular LDEQ official with permit issuance decision-making authority now has, or in the past has had, any conflict of interest with respect to such decisions. Rather, GNOICC is suggesting that EPA Region VI thoroughly and carefully investigate the historic and current practices by which LDEQ conducts its air programs permitting process and ensure that a board is established within LDEQ to approve permits and

enforcement orders that has at least a majority of members who represent the public interest and who demonstrably and verifiably derive no significant portion of their income from persons subject to permits or enforcement orders, as required by Section 7428(a) of the Clean Air Act.

Respectfully submitted by

Jonathan Leo and Tom Adler, for the

Greater New Orleans Interfaith Climate Coalition

PUBLIC SUBMISSION

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Comment On: EPA R06 OAR 2017 0558 0046
LA060.46 Proposed rule, extension of comment period; Louisiana; Finding of Failure To Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area. 2 pages

Document: EPA R06 OAR 2017 0558 0063
LA060.63 Climate Reality Project, New Orleans Chapter, comments on EPA-R06-OAR-2017-0558-0046

Submitter Information

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Organization: Climate Reality Project, New Orleans Chapter

General Comment

See attached comments

Attachments

Adler CRP Comments

January 6, 2022

United States Environmental Protection Agency Region VI
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1201 Elm Street, Suite 500
Dallas, Texas 75270

State of Louisiana, Department of Environmental Quality
Elliott B. Vega, Assistant Secretary
Post Office Box 4313
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Public Comments for a Proposed Rule by the EPA Finding of Failure to Attain the Primary 2010 One-Hour Sulfur Dioxide Standard for the St. Bernard Parish, Louisiana. Docket No. EPA-R06-OAR-2017-0558, (LA060.043)

It is with great hope that the Climate Reality Project, New Orleans Chapter (CRP) writes these comments. There are some root causes for the poor quality of the air we breath in Louisiana that this letter seeks to shed light on. Please bear in mind that environmental issues, inequality, and systems that promote profit over people are all connected. We can no longer try to solve problems associated with our common home in silos, every issue must be looked at holistically. It is in that spirit that these comments are made.

1. **The Louisiana Department of Environmental Quality (LDEQ) makes a practice of expediting permits and delaying enforcement action** (see attached 2021 Audit by the Louisiana Legislative Auditor), all without any meaningful public participation or any cumulative analysis. Multiple permits are issued on the same site or in close proximity to other emitters without any analysis of the aggregate effect that neighbors must suffer through, as evidenced by this rulemaking. For these reasons, we request that the LDEQ neither be entrusted to establish an improvement plan, nor be trusted to implement any improvement plan for the air quality of St. Bernard Parish, or the State of Louisiana, as this is the very department that issued the permits to pollute in the first place.

2. **A major reason why we have sulfur dioxide problem is that public comments are disregarded with each permit the LDEQ issues,** the most recent being the Chalmette Renewable Diesel Unit issued on December 21, 2021. The basis for the decision can be found on the LDEQ EDMS site as document number 13054200. In the basis for decision document, it details why each of the 100 comments are not considered valid. This expedited permit and the associated variance (EDMS document number 13042019) for the advance construction of the project prior to the issuance of the permit were issued on the eve of this proposed rulemaking, a mere 6 weeks after the public hearing, knowing that once St. Bernard Parish became a nonattainment area, no new permits for SO2 would be allowed. All new information about the Chalmette Renewable Diesel Unit, such as site plan detailing the locations of the various elements of the project, were not recirculated to the public during these 6 weeks and the public was informed of the issuance of the permit two weeks after its issuance. There was no discussion or analysis of the Rain CII sulphur

dioxide in the Chalmette Renewable Diesel unit environmental assessment, even though a cumulative analysis was begged for at the November 9, 2021 public meeting. It should be noted that we begged PBF Energy for the cumulative analysis since the DEQ never dialogues in a public hearing by design. This is not meaningful public participation and the results speak for themselves. We believe it is imperative to audit the LDEQ before they are to be entrusted to improve air quality for St. Bernard Parish. An easy way to audit their public participation process is to identify all projects that have received more than 50 comments, then note if ever a comment resulted in a change in the project description. When the public concerns are not valued, it makes the public hearing a perfunctory step in a forgone conclusion.

3. **A major reason why we have sulfur dioxide problem is that the LDEQ does not perform a cumulative impact analysis, ever.** Louisiana law does not require a cumulative analysis. This rule making for sulfur dioxide in St. Bernard Parish shows what happens when there is no cumulative analysis. There are many permits in the parish that allow emission of sulphur dioxide, the DEQ evaluates each one separately and never sees the larger issue because it never studies it. Louisiana law does not go far enough to meet the requirements of the Clean Air Act and therefore the EPA must step in and oversee a cumulative analysis so that all emitters of sulphur dioxide bear the burden of this rulemaking.

4. **The idea that humans can take so much air pollution before it does them harm is false: The more we breath, the shorter our life.** Please read the April 2021 National Geographic issue where new studies are outlined: "Air Pollution's brutal bottom line - the more there is, the shorter the lives of those who breath it." Health effects are now known to be associated with much lower levels of SO2 than previously believed. A greater degree of protection than the EPA's 2010 SO2 standard of 75 ppb is needed. Please consider using the World Health Organization's updated standard of 40 µg/m3 24-hour mean for this rulemaking.

5. **The Air Quality Index (AQI), the system that guides regulatory policy and informs the public about health risk, has broad failures** as detailed in the 2020 U.S. Government Accountability Office after a 2-1/2-year audit. This is largely due to the high cost of maintaining high quality sensors. As it relates to this rulemaking, there is but one sensor north of the Rain CII facility (AQS # 22-087-0007, Chalmette Vista). In the Technical Support Document (TSD) for the 2010 SO2 Primary National Ambient Air Quality Standard (attached), Table 5 shows that SO2 exceedances only occur on days when the wind is out of the South, days when Rain CII is upwind of the sensor. The AQI shows good air quality on days when the wind is not out of the south. Rain CII continues to operate on these days, the SO2 is just blowing to where we don't have a sensor. Therefore, we request that the EPA allow low cost sensors such as PurpleAir.com be allowed for this rulemaking and in the next update of the Louisiana Annual Monitoring Network Plan. It is better to have some information with low quality sensors than no information, especially if we are using the AQI to tell the public it is safe to go outside when it isn't. The LDEQ has shown an inability to correct the SO2 problem for a decade,

the people need real time data to protect themselves. The original letter from EPA to the LDEQ on this issue was in 2013 - Justice delayed is justice denied.

6. **§7428 of the Clean Air Act requires a state body which approves permits or enforcement orders under the act to have at least a majority of members who represent the public** interest and any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed. We request that this rule making create an oversight board for the LDEQ, that a conflict of interest policy be established for LDEQ staff members that issue permits and that the LDEQ be required to establish a written policy that guides when public hearing are required.

Sincerely,

Tom Adler

Climate Reality Project, New Orleans Chapter
c/o Tom Adler
148 Hibiscus Pl, River Ridge, LA 70123

Exhibit "F"

LOUISIANA LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

January 20, 2021

The Honorable Patrick Page Cortez,
President of the Senate
The Honorable Clay Schexnayder,
Speaker of the House of Representatives

Dear Senator Cortez and Representative Schexnayder:

This report provides the results of our audit of the Department of Environmental Quality (DEQ). The purpose of this audit was to evaluate DEQ's monitoring and enforcement of air quality regulations.

Overall, we found DEQ could strengthen its monitoring and enforcement processes by identifying violations and issuing enforcement actions in a timelier manner.

Our analysis of U.S. Environmental Protection Agency (EPA) data found the number of good air quality days in Louisiana has increased by 20.9 percent between 2008 and 2018, while the number of unhealthy days for sensitive groups has decreased 75.1 percent. However, Louisiana has the highest toxic air emissions per square mile of any state, according to the EPA's Toxics Release Inventory, and the EPA's most recent (2014) National Air Toxics Assessment showed parts of Louisiana have high potential cancer risks and/or a high respiratory hazard index.

We found DEQ should strengthen its monitoring process to identify those permitted facilities that fail to submit their required self-monitoring reports and hold them accountable. In addition, DEQ should review these reports in a timely manner so it can identify and address facilities with self-reported violations. Automating and standardizing the submission of these self-monitoring reports could help DEQ improve its monitoring process.

In addition, we found DEQ does not issue enforcement actions in a timely manner to permitted facilities that violate air permit requirements. From fiscal years 2015 through 2019, the time it took DEQ to issue enforcement actions increased by 102.1 percent. Best practices state that effective enforcement includes swift and predictable responses to violations.

DEQ also does not effectively track the penalties it has assessed and whether facilities have paid their penalties. DEQ could improve its settlement process for penalties by developing

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Technical Support Document (TSD)

LOUISIANA
Area Designations For the
2010 SO_2 Primary National Ambient Air Quality Standard

Summary

Pursuant to section 107(d) of the Clean Air Act (CAA), EPA must initially designate areas as either "nonattainment," "attainment" or "unclassifiable" for the 2010 1-hour sulfur dioxide (SO_2) primary national ambient air quality standard (NAAQS). The CAA defines a nonattainment area as one that does not meet the NAAQS or that contributes to poor air quality in a nearby area that does not meet the NAAQS. Table 1 below identifies the county (parish) in Louisiana that EPA is initially designating "nonattainment" based on monitored violations. The EPA is not yet prepared to designate other areas in Louisiana.

Table 1. Nonattainment Area Designations for Louisiana

Area	Louisiana's Recommended Designation of Area/County (Parish)	EPA's Designation of Area/County (Parish)
St. Bernard Parish, LA	Nonattainment	Nonattainment

Background

On June 2, 2010, EPA revised the primary SO_2 NAAQS (75 FR 35520, June 22, 2010) by establishing a new 1-hour standard at a level of 75 parts per billion (ppb) which is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations is less than or equal to 75 ppb, as determined in accordance with Appendix T of 40 CFR part 50. 40 CFR 50.17(a)-(b). The EPA has determined that this is the level necessary to provide protection of public health with an adequate margin of safety, especially for children, the elderly and those with asthma. These groups are particularly susceptible to the health effects associated with breathing SO_2. The Agency is revoking the two prior primary standards of 140 ppb evaluated over 24-hours, and 30 ppb evaluated over an entire year because the standards will not add additional public health protection given a 1-hour standard at 75 ppb. Accordingly, EPA is not designating areas in this process on the basis of either of these two prior primary standards. Similarly, the secondary standard for SO_2 has not been revised, so EPA is not designating areas in this process on the basis of the secondary standard.

EPA's SO_2 Designation Approach

Section 107(d) of the CAA provides that not later than 1 year after promulgation of a new or revised NAAQS, state Governors may submit their recommendations for designations and boundaries to EPA. For the 2010 SO_2 NAAQS, this deadline was in June 2011. Section 107(d) also requires EPA to provide a notification to states of no less than 120 days prior to promulgating an initial area designation that is a modification of a state's recommendation. EPA has reviewed the state's recommendations and has notified the State Commissioner through a letter signed by the Regional Administrator of any intended modifications. If a state or tribe did not submit designation recommendations, EPA is promulgating the designations that it deems appropriate. If a state or tribe disagreed with EPA's intended area designations, it had an opportunity to demonstrate why any proposed modification is inappropriate.

Designations guidance was issued by EPA through a March 24, 2011, memorandum from Stephen D. Page, Director, U.S. EPA, Office of Air Quality Planning and Standards, to Air Division Directors, U.S. EPA Regions I-X. This memorandum identifies factors EPA has evaluated in determining boundaries for areas designated nonattainment. These 5 factors include: 1) air quality data; 2) emissions and emissions-related data (location of sources and potential contribution to ambient SO_2 concentrations); 3) meteorology (weather/transport patterns); 4) geography/topography (mountain ranges or other air basin boundaries); and 5) jurisdictional boundaries (e.g., counties, air districts, pre-existing nonattainment areas, reservations, metropolitan planning organization), among any other information deemed to be relevant to establishing appropriate area designations and boundaries for the 1-hour SO_2 NAAQS.

The March 24, 2011, designations guidance memo recommended that area boundaries be defaulted to the county boundary unless additional information justifies a larger or smaller boundary than that of the county. EPA believes it is appropriate to evaluate each potential area on a case-by-case basis, and to recognize that area-specific analyses conducted by states, tribes and/or EPA may support a different boundary than that of a default county boundary.

In this TSD, EPA discusses its review and technical analysis of the recommendations submitted by the State of Louisiana for designations of the 1-hour SO_2 standard and any modifications from these recommendations.

Definition of important terms used in this document:

1) **Designated "nonattainment" area –** an area which EPA has determined, based on a state recommendation and/or on the technical analysis included in this document, has violated the 2010 SO_2 NAAQS, based on the most recent three years of air quality monitoring data, or contributes to a violation in a nearby area.

2**) Recommended nonattainment area –** an area that a state or tribe has recommended to EPA to be designated as nonattainment.

3) **Violating monitor** – an ambient air monitor meeting all methods, quality assurance and citing criteria and requirements whose valid design value exceeds 75 ppb, as described in Appendix T of 40 CFR part 50.

4) **2010 SO_2 NAAQS -** 75 ppb, national ambient air quality standard for SO_2 promulgated in 2010. Based on the 3-year average of the 99th percentile of the annual distribution of daily maximum1-hour average concentrations.

5) **Design Value** – a statistic that describes the air quality status of a given area relative to the level of the NAAQS.

State's Recommendation Letter

In May 2011, Secretary Peggy Hatch, Secretary of the Louisiana Department of Environmental Quality (LDEQ), recommended that 20 parishes be designated as "unclassifiable" for the 2010 SO_2 NAAQS based on the absence of both monitored air quality data and of a modeling demonstration showing attainment of the standard.[1] Secretary Hatch also recommended that 42 parishes be designated as "attainment" for the 2010 SO_2 NAAQS. For 4 of these parishes, the attainment recommendation is based on monitored air quality data from regulatory and non-regulatory monitors with the absence of a modeling demonstration showing attainment of the standard. For 38 parishes, the attainment recommendation is based on 2009 SO_2 emissions from sources in the respective parishes. According to the 2009 Louisiana emissions inventory, these 38 parishes each have total emissions less than 75 SO_2 tons per year (tpy). Secretary Hatch's May 2011 letter also recommended that St. Bernard Parish and West Baton Rouge Parish be designated as "nonattainment" for the 2010 SO_2 NAAQS based on monitored violations.

Secretary Hatch's May 2011 recommendations were based on 2008-2010 monitored air quality data. This is in accordance with the March 24, 2011, designations guidance memo from Stephen D. Page in which we stated our expectation that states and tribes would review available SO_2 monitoring data from 2008-2010 in providing their recommendations to EPA. We also stated in the March 24, 2011, memo that we intended to consider 2011 SO_2 monitoring data in formulating any intended modifications to the states' and tribes' recommendations if such data were to become available prior to EPA issuing the 120 day letters. Since 2011 data are currently available, in the analysis presented in this TSD, EPA is considering 2009-2011 monitored air quality data for all areas in Louisiana, with the exception of West Baton Rouge Parish. Since 2012 data for the monitor in West Baton Rouge Parish was early certified by Louisiana, EPA is considering 2010-2012 monitored air quality data for this particular monitor. The 2010-2012 data for West Baton Rouge meets the 2010 SO_2 NAAQS.

Consequently, this final initial designation does not address West Baton Rouge Parish, which will be further addressed in a subsequent round of designations.

[1] May 26, 2011, letter from Peggy M. Hatch, Secretary, Louisiana Department of Environmental Quality, to Al Armendariz, Regional Administrator, EPA Region 6.

Nonattainment Designations

Technical Analysis for St. Bernard Parish

Introduction

This technical analysis identifies St. Bernard Parish as having a monitor that violates the 2010 SO_2 NAAQS, and evaluates nearby parishes for contributions to SO_2 concentrations in the area. EPA has evaluated St. Bernard Parish and nearby parishes based on the weight of evidence of the factors recommended in the March 24, 2011, designations guidance memo.

Figures 1 and 2 are maps of St. Bernard Parish, showing the location and design values of air quality monitors in the area, the parishes surrounding the violating air quality monitor, and the location of SO_2 point sources with 2008 emissions greater than 100 SO_2 tpy based on the 2008 National Emissions Inventory (NEI). As shown in the legend for Figure 1, the diamonds represent regulatory SO_2 monitors (red=violating, green=attaining) and the circles represent SO_2 emissions sources. In Figure 2, the stars represent regulatory SO_2 monitors (red=violating, blue=attaining); the green circles represent SO_2 emissions sources, with the size of the circle proportional to the source's 2008 NEI SO_2 emissions (numbers shown are 2008 NEI SO_2 emissions in tpy). As shown in the figures, only one of the three regulatory monitors in St. Bernard Parish has a 2009-2011 design value above the 2010 1-hour SO_2 NAAQS. The violating monitor, shown as a red diamond in Figure 1 and a red star in Figure 2, is the Chalmette-Vista monitor (EPA Site ID 22-087-0007), with a 2009-2011 design value of 287 ppb. The other two regulatory monitors in St. Bernard Parish have design values under the 2010 1-hour SO_2 NAAQS. These monitors, shown as blue stars in Figure 2, are the Chalmette-High School monitor (EPA Site ID 22-087-0009), with a 2009-2011 design value of 64 ppb (incomplete data), and the Meraux monitor (EPA Site ID 22-087-0004), with a 2009-2011 design value of 26 ppb. Note that Figure 1 depicts only the Meraux monitor as having a design value under the standard (i.e., shown as a green diamond), as three full years of data are not available from the Chalmette-High School monitor.

Figure 1. St. Bernard Parish 1-hr SO_2 NAAQS Nonattainment Area

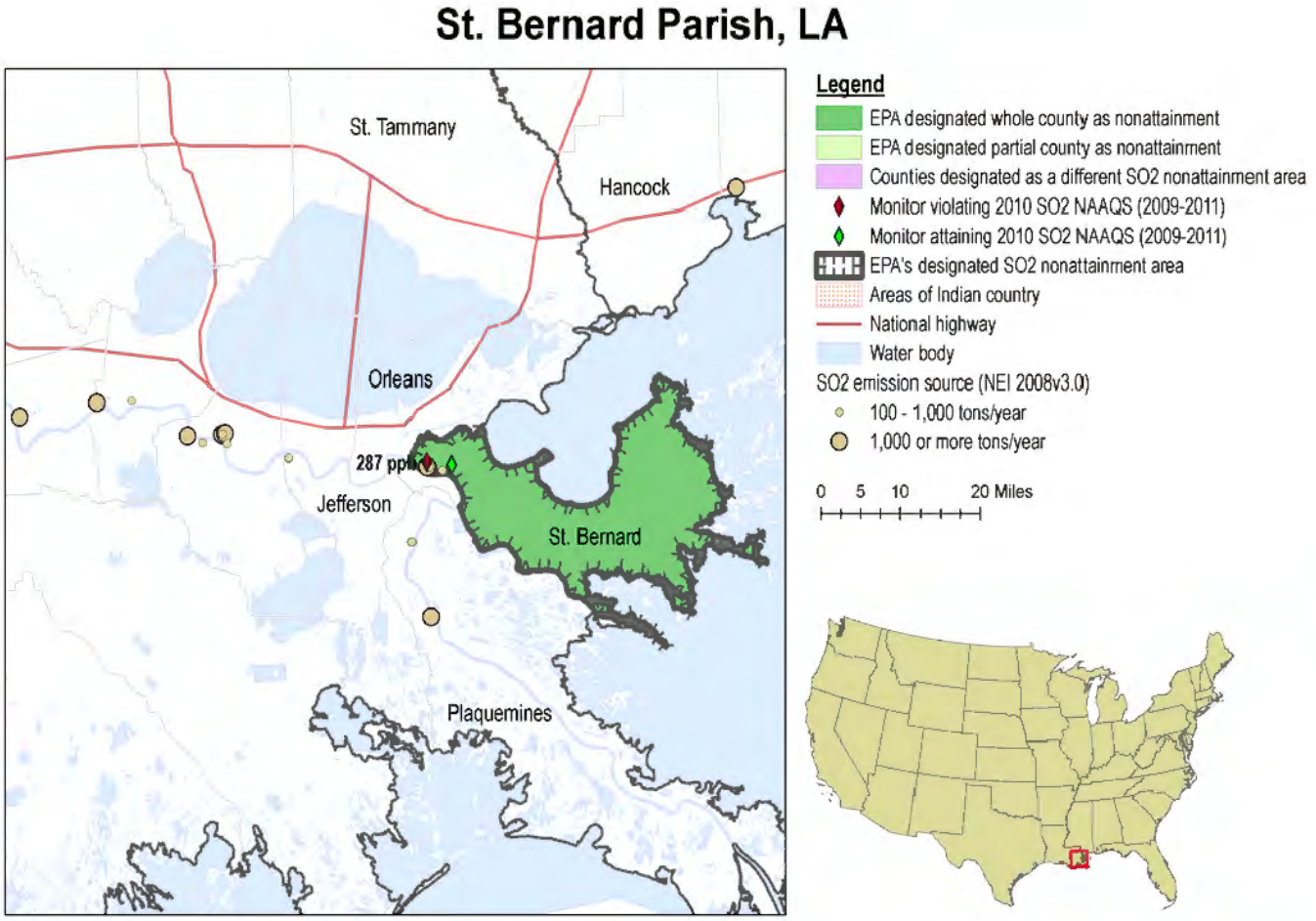
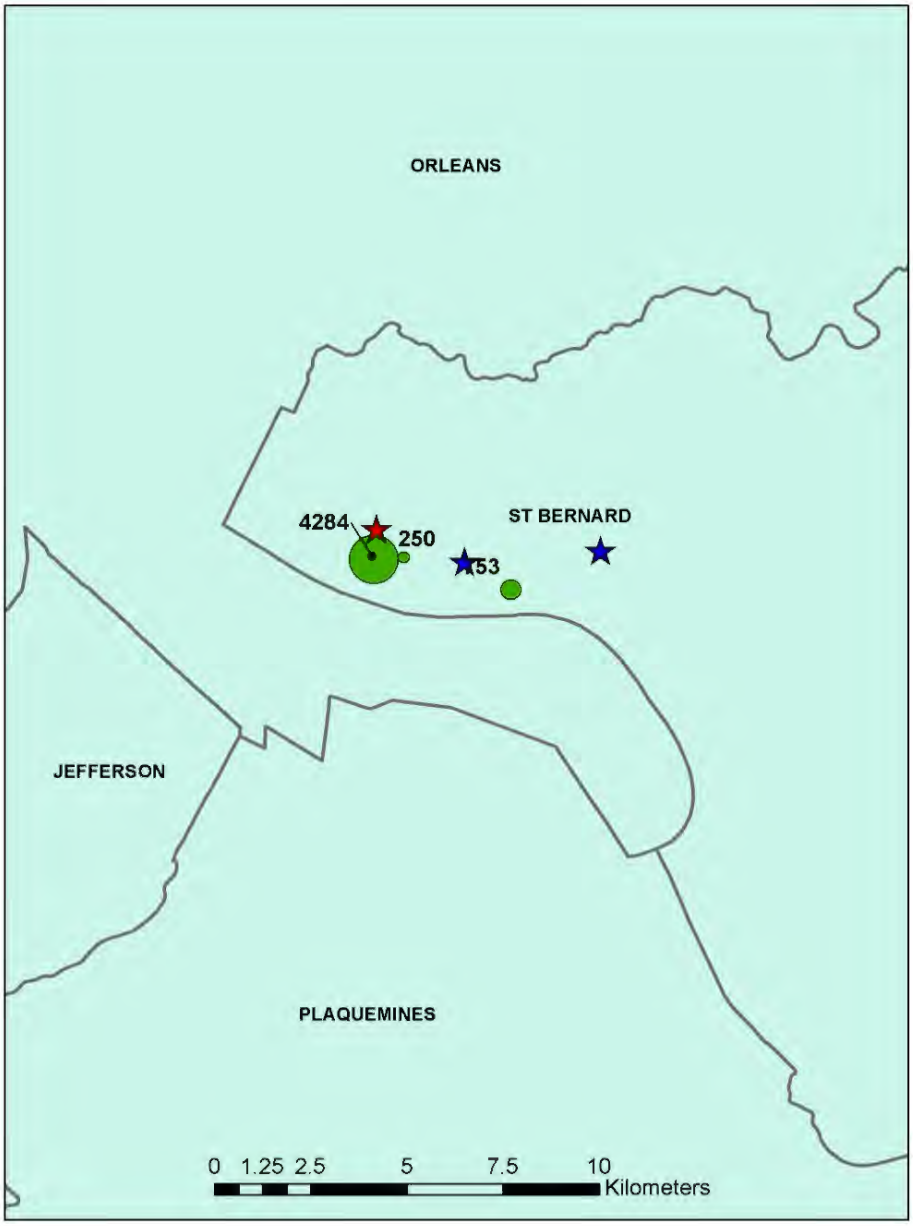


Figure 2. St. Bernard Parish 1-hr SO_2 NAAQS Nonattainment Area (close-up)



Based on EPA's technical analysis described below, EPA is initially designating St. Bernard Parish as nonattainment for the 2010 SO_2 NAAQS, based upon currently available information. EPA is not yet prepared to designate other areas of Louisiana. Areas and sources that we are not yet prepared to conclude are contributing to the monitored violation or other possible violations are not included in this initial nonattainment area, and will be addressed in a subsequent round of designations.

Detailed Assessment

Air Quality Data

This factor considers the SO_2 air quality monitoring data, including the design values (in ppb) calculated for all air quality monitors in St. Bernard Parish, based on data for the 2009-2011 period.

Secretary Hatch's nonattainment recommendation for St. Bernard Parish was based on 2008-2010 data[2] from Federal Reference Method (FRM) or Federal Equivalent Method (FEM) monitors located in the state, in accordance with 40 CFR Part 53. As discussed elsewhere in this TSD, EPA is considering 2009-2011 air monitoring data for St. Bernard Parish in the technical analysis presented in this TSD. The 2009-2011 SO_2 NAAQS design values for the monitors in St. Bernard Parish are shown in Table 2.

Table 2. Air Quality Data for Nonattainment Designations in Louisiana

Parish	State Recommended Nonattainment?	Monitor Name*	Monitor Air Quality System ID	Monitor Location	SO_2 Design Value, 2008-2010 (ppb)	SO_2 Design Value, 2009-2011 (ppb)
St. Bernard Parish, LA	Yes	Meraux	22-087-0004	4101 Mistrot Drive	32	26
		Chalmette-Vista	**22-087-0007**	**24 E. Chalmette Circle**	**297**	**287**
		Chalmette-High School	22-087-0009	1100 E. Judge Perez Drive	60	64**

* The monitor in bold has the highest 2009-2011 design value in the parish.
** Design Value based on incomplete data.

St. Bernard Parish shows a violation of the 2010 SO_2 NAAQS. Therefore, some area in the parish and possibly additional areas in surrounding parishes must be designated nonattainment. The absence of a violating monitor alone is not a sufficient reason to eliminate nearby parishes as candidates for nonattainment status. Each area has been evaluated based on the weight of evidence of the five factors and other relevant information.

As shown in Table 2, the Chalmette-Vista monitor (Air Quality System ID 22-087-0007) in St. Bernard Parish has a 2009-2011 design value of 287 ppb, which exceeds the NAAQS and is therefore violating the standard. The Chalmette-High School monitor (Air Quality System ID 22-087-0009) and the Meraux monitor (Air Quality System ID 22-087-0004), which are also located in St. Bernard Parish, have 2009-2011 design values of 64 ppb (incomplete data) and 26 ppb, respectively. The violating Chalmette-Vista monitor is approximately 5.1 km away from the Chalmette-High School monitor, and 2.2 km away from the Meraux monitor. This suggests that the emissions source or sources causing or contributing to the recorded violation of the Chalmette-Vista monitor are in closer proximity to the Chalmette-Vista monitor than to the two

[2] May 31, 2011, letter from Peggy M. Hatch, Secretary, Louisiana Department of Environmental Quality, to Al Armendariz, Regional Administrator, EPA Region 6.

other monitors in St. Bernard Parish, and/or that the Chalmette-Vista monitor is located directly downwind from the emissions source(s) causing the violation. There are no other regulatory SO_2 monitors within 100 km of the violating Chalmette-Vista monitor. The regulatory SO_2 monitor located nearest to the St. Bernard Parish monitors is located in East Baton Rouge Parish (approximately 130 km away from the Chalmette-Vista monitor). Air quality data from a monitor located in a nearby parish could potentially be used to indicate whether sources in that parish are contributing to the monitored violation at the Chalmette-Vista monitor. In this case, however, regulatory SO_2 monitors in neighboring parishes are located too far away from the St. Bernard Parish violating monitor (Chalmette-Vista) for their design values to indicate whether or not emissions sources from these parishes may be contributing to the St. Bernard Parish violating monitor.

Emissions and Emissions-Related Data

Evidence of SO_2 emissions sources in the vicinity of a violating monitor is an important factor for determining whether a nearby area is contributing to a monitored violation. In considering this factor, EPA evaluated county level emission data for SO_2 and any growth in SO_2 emitting activities since the date represented by those emissions data.

Emissions

EPA recognizes that there may be new information on any changes in emissions that may have occurred after 2008, and would consider more recent years if available. Louisiana did not provide updated emissions information, therefore EPA relied on the 2008 NEI emissions data (NEI08V3) to identify sources that could potentially be contributing to a violation.

Table 3 shows total emissions of SO_2 according to the 2008 NEI (in tpy) in St. Bernard Parish and potentially contributing surrounding parishes, as well as emissions from sources emitting greater than 100 tpy of SO_2 in these parishes.

Table 3. 2008 NEI SO_2 Emissions (NEI08V3) in St. Bernard Parish and Surrounding Parishes

Parish	Facility Located in State Recommended Nonattainment Area?	Facility Name, Address, Coordinates, and EIS (or State Facility ID)	Facility Emissions (tpy)	Approximate Facility Distance from St. Bernard Parish Violating Monitor (km)	Total Parish SO_2 Emissions (tpy)
St. Bernard Parish, LA	Yes	Rain CII Carbon LLC-Chalmette Coke Plant 700 Coke Plant Rd. (29.9375, -89.97694) EIS ID 5608111	4284 tpy	0.8	6267

		Chalmette Refining LLC- Chalmette Refinery 500 W St Bernard Hwy (29.9379, -89.9699) EIS ID 8020411	250 tpy	1.0	
		Murphy Oil USA Inc.- Meraux Refinery 2500 E St Bernard Hwy (29.93022, -89.94492) EIS ID 7355411	753 tpy	3.4	
St. Charles Parish, LA	No	Valero Refining Co. - New Orleans LLC- St. Charles Refinery 14902 River Rd EIS ID 7449311	238 tpy	40.4	7824
		Rain CII Carbon LLC- Norco Coke Plant 801 Prospect Ave (30.00194, -90.39694) EIS ID 8020911	2350 tpy	41.0	
		Shell Chemical LP- Norco Chemical Plant- East Site 15536 River Rd (30.00111, -90.40694) EIS ID 8239511	1020 tpy	42.0	
		Motiva Enterprises LLC- Norco Refinery 15536 River Rd (29.99537, -90.41017) EIS ID 8020811	769 tpy	42.2	
		Union Carbide Corp.- St. Charles Operations 355 Hwy 3142 Gate 28 (29.98229, -90.45562) EIS ID 7202911	416 tpy	46.4	

		Entergy Louisiana LLC- Waterford 1&2 Generating Plant 17705 River Rd (29.9994, -90.4758) EIS ID 5609311	1803 tpy	48.5	
Orleans Parish, LA	No	N/A	None > 100 tpy	N/A	1900
Plaquemines Parish, LA	No	Chevron Oronite Co. LLC- Oak Point Plant 10285 Hwy 23 S (29.81028, -90.01139) EIS ID 8018711	262 tpy	15.3	9316
		Conoco Phillips Co.- Alliance Refinery 15551 Hwy 23 (29.684887, -89.97613) EIS ID 7203711	2785 tpy	29.0	
Jefferson Parish, LA	No	Cornerstone Chemical Co. 10800 River Rd (29.95788, -90.26568) EIS ID 7228511	863 tpy	27.9	3068
St. Tammany Parish, LA	No	N/A	None > 100 tpy	N/A	154

See also Figures 1 and 2 above for facility location in relation to air quality monitors. As shown in Figure 1, the emissions sources closest to the violating monitor are located in St. Bernard Parish. This suggests that sources in St. Bernard Parish are causing or contributing to the monitored violation of the 2010 SO_2 NAAQS. Table 3 shows there are three sources within 30 km from the St. Bernard Parish violating monitor, located in neighboring parishes, and with 2008 NEI SO_2 emissions greater than 100 tpy (each). One of these sources (863 SO_2 tpy, 2008 NEI) is in Jefferson Parish, and is located approximately 27.9 km from the St. Bernard violating monitor. The remaining two sources (262 SO_2 tpy and 2785 SO_2 tpy, 2008 NEI) are in Plaquemines Parish, and are located approximately 15.3 km and 29 km away from the St. Bernard violating monitor, respectively. However, these sources each have 2008 NEI SO_2 emissions that are lower than that of the largest point source in St. Bernard Parish, and they are all located further away from the violating monitor than are St. Bernard Parish's own sources. Based on this information, we are not yet prepared to conclude that the emissions from these sources in Jefferson Parish and Plaquemines Parish contribute to the monitored violation in St. Bernard Parish. All the sources in St. Charles Parish are located at least 40 km from the St. Bernard Parish violating monitor, and each have SO_2 emissions that are lower than that of the largest point source in St. Bernard Parish.

Two other nearby parishes, Orleans and St. Tammany Parishes, do not have any sources with emissions greater than 100 tpy. Based on this information, we are not prepared to conclude that sources in St. Charles, Orleans, and St. Tammany Parishes contribute to the violating monitor's design values. All of these sources and areas will be further addressed in a subsequent round of designations.

Emissions Controls

The emissions data used by EPA in this technical analysis and provided in Table 3 represents emissions levels taking into account any control strategies implemented on stationary sources in St. Bernard and surrounding parishes up to and including 2008.

Meteorology (weather/transport patterns)

Evidence of source-receptor relationships between specific emissions sources and high SO_2 values at violating monitors is another important factor in determining the appropriate contributing areas and the appropriate extent of the nonattainment area boundary. For this factor, EPA considered 30 years of National Weather Service data on average frequency of wind direction by season. The National Weather Service data for St. Bernard Parish is shown in Table 4. EPA also considered recent hourly meteorological data to determine which wind vectors were associated with monitored 1-hour SO_2 NAAQS violations. The meteorological data used in this analysis were based on 2009-2011 data co-located with the St. Bernard Parish violating site. This data is presented in Table 5. This meteorological data may provide evidence of the potential for SO_2 emissions sources located upwind of a violating monitor to contribute to ambient SO_2 levels at the violation location.

Table 4. National Weather Service 30-Year Average Frequency (%) of Wind Direction by Season for St. Bernard Parish

	Season[1]			
Wind Direction	**Winter**	**Spring**	**Summer**	**Autumn**
North-northeast	21.1	13.7	12.3	23.3
East-northeast	15.0	9.5	11.1	21.7
East-southeast	11.7	13.9	10.5	15.3
South-southeast	11.7	19.2	11.0	10.7
South-southwest	11.5	18.5	19.1	7.6
West-southwest	7.0	8.0	14.2	4.4
West-northwest	8.1	7.9	13.3	6.4
North-northwest	14.0	9.4	8.4	10.6

[1] For purposes of this table, winter is defined as the months of December, January, and February; spring is March, April, and May; summer is June, July, and August; and autumn is September, October, and November.

The 30-year average frequency of wind direction data for St. Bernard Parish shows that in general, the prevailing surface winds blow into St. Bernard Parish primarily from the north-northeast, east-northeast, south-southwest, south-southeast, and east-southeast. As shown in Table 5, monitored 1-hour SO_2 NAAQS exceedance events during 2009-2011 occurred throughout all seasons, but primarily took place in the spring and summer months in 2009 and 2010 and in the spring months in 2011. Table 4 shows that in winter, the wind has historically blown into St. Bernard Parish to a greater extent from the north-northeast (21.1% of time). In spring, the wind has historically blown into St. Bernard Parish to a greater extent from the south-southeast (19.2%) and south-southwest (18.5%). In summer, the wind has historically blown into St. Bernard Parish to a greater extent from the south-southwest (19.1%). The data suggest that on months with the highest observed SO_2 levels in 2009-2011 (i.e., winter, spring, and summer), the prevailing surface winds were to a greater extent from directions that correspond to the location of sources in St. Bernard Parish (see Figures 1 and 2) and not to those of sources in surrounding parishes.

As stated above, EPA also analyzed wind direction as measured by the Chalmette-Vista monitor specifically during days with monitored 1-hr SO_2 NAAQS hourly exceedances (i.e., violation days) in 2009-2011 (see Table 5). Although some violation days had multiple hourly SO_2 exceedances, only the maximum 1-hour SO_2 concentration and the corresponding wind direction during that hour are shown for each violation day.

Table 5. Wind Direction during 1-hour SO_2 NAAQS Exceedances at Chalmette-Vista Monitor in St. Bernard Parish- AQS Site ID 22-087-0007

2009 1-hour SO_2 NAAQS Hourly Exceedances				
Date[1]	**Time[2]**	**1-hr SO_2 Concentration (ppb)**	**Wind Direction[3] (Compass °)**	**Wind Direction[3] (Compass Point)**
1/2/2009	06:00	109	191	South
1/3/2009	12:00	159	186	South
1/5/2009	18:00	200	188	South
1/6/2009	07:00	96	192	South-southwest
1/18/2009	02:00	87	194	South-southwest
1/21/2009	22:00	120	189	South
1/22/2009	19:00	95	175	South
1/23/2009	00:00	88	176	South
2/2/2009	07:00	120	238	West-southwest
2/10/2009	05:00	89	190	South
2/11/2009	05:00	316	177	South
2/13/2009	14:00	101	192	South-southwest
2/17/2009	23:00	81	185	South
2/20/2009	20:00	111	189	South
2/21/2009	20:00	126	185	South
2/27/2009	03:00	194	177	South

3/8/2009	10:00	85	194	South-southwest
3/10/2009	14:00	108	181	South
3/11/2009	20:00	147	187	South
3/14/2009	07:00	206	179	South
3/25/2009	23:00	245	183	South
3/26/2009	00:00	285	182	South
3/27/2009	23:00	152	193	South-southwest
3/31/2009	09:00	83	195	South-southwest
4/5/2009	04:00	166	182	South
4/9/2009	06:00	311	181	South
4/10/2009	03:00	314	184	South
4/12/2009	21:00	279	181	South
4/19/2009	10:00	192	184	South
4/23/2009	12:00	148	185	South
4/24/2009	14:00	114	176	South
5/1/2009	19:00	249	185	South
5/2/2009	23:00	298	186	South
5/3/2009	21:00	239	182	South
5/4/2009	00:00	291	181	South
5/5/2009	23:00	104	184	South
5/6/2009	21:00	350	186	South
5/7/2009	15:00	83	198	South-southwest
5/8/2009	23:00	373	183	South
5/9/2009	20:00	281	184	South
5/10/2009	17:00	275	182	South
5/11/2009	18:00	88	178	South
5/12/2009	17:00	214	181	South
5/14/2009	10:00	83	171	South
5/24/2009	20:00	272	182	South
5/25/2009	00:00	147	203	South-southwest
5/26/2009	06:00	107	201	South-southwest
6/1/2009	20:00	232	194	South-southwest
6/7/2009	20:00	187	189	South
6/8/2009	02:00	99	190	South
6/9/2009	16:00	85	194	South-southwest
6/10/2009	16:00	225	179	South
6/19/2009	20:00	150	187	South
6/24/2009	16:00	86	319	Northwest
6/26/2009	18:00	188	189	South
6/27/2009	20:00	130	196	South-southwest
7/1/2009	21:00	79	191	South
7/3/2009	16:00	168	179	South
7/5/2009	16:00	115	195	South-southwest
7/6/2009	19:00	238	188	South
7/10/2009	17:00	123	185	South
7/16/2009	15:00	81	180	South
7/20/2009	18:00	78	184	South
7/21/2009	17:00	94	187	South
7/22/2009	02:00	110	187	South
7/25/2009	15:00	131	181	South
7/27/2009	10:00	95	184	South
7/28/2009	06:00	314	186	South

7/30/2009	07:00	217	178	South
7/31/2009	17:00	86	194	South-southwest
8/1/2009	15:00	84	223	Southwest
8/6/2009	02:00	123	197	South-southwest
8/30/2009	18:00	187	190	South
9/14/2009	08:00	139	190	South
9/15/2009	02:00	124	184	South
9/16/2009	19:00	104	191	South
9/18/2009	12:00	97	189	South
9/20/2009	18:00	114	187	South
10/1/2009	08:00	177	191	South
10/4/2009	14:00	155	179	South
10/6/2009	07:00	178	185	South
10/13/2009	23:00	116	205	South-southwest
10/14/2009	05:00	83	198	South-southwest
10/22/2009	22:00	93	194	South-southwest
10/30/2009	16:00	161	187	South
11/14/2009	22:00	119	193	South-southwest
11/15/2009	22:00	90	189	South
11/16/2009	16:00	122	182	South
11/29/2009	11:00	118	177	South
11/30/2009	06:00	260	180	South
12/8/2009	14:00	238	178	South
12/14/2009	03:00	135	176	South
2010 1- hour SO_2 NAAQS Hourly Exceedances				
Date[1]	**Time[2]**	**1-hr SO_2**	**Wind Direction[3]**	**Wind Direction[3]**
1/20/2010	17:00	158	178	South
1/24/2010	04:00	181	178	South
2/14/2010	18:00	217	181	South
2/25/2010	20:00	125	192	South-southwest
2/28/2010	23:00	112	191	South-southwest
3/10/2010	15:00	147	178	South
3/23/2010	21:00	107	181	South
3/31/2010	22:00	117	186	South
4/1/2010	18:00	90	181	South
4/3/2010	06:00	103	185	South
4/6/2010	16:00	119	180	South
4/7/2010	19:00	246	186	South
4/8/2010	12:00	80	184	South
5/20/2010	16:00	151	185	South
5/21/2010	19:00	137	191	South
5/22/2010	20:00	160	186	South
5/23/2010	00:00	100	194	South-southwest
5/29/2010	16:00	131	195	South-southwest
5/30/2010	17:00	135	184	South
5/31/2010	14:00	213	175	South
6/1/2010	16:00	98	197	South-southwest
6/2/2010	15:00	143	185	South
6/3/2010	15:00	105	203	South-southwest
6/4/2010	18:00	230	189	South
6/5/2010	18:00	254	193	South-southwest

6/6/2010	15:00	112	190	South
6/10/2010	18:00	111	194	South-southwest
6/11/2010	08:00	110	182	South
6/12/2010	20:00	135	190	South
6/26/2010	00:00	115	195	South-southwest
7/5/2010	08:00	153	191	South
7/9/2010	14:00	83	198	South-southwest
7/17/2010	18:00	77	191	South-southwest
7/25/2010	20:00	230	181	South
7/26/2010	18:00	127	183	South
7/27/2010	15:00	143	197	South-southwest
8/2/2010	19:00	106	184	South
8/17/2010	23:00	230	182	South
8/18/2010	00:00	176	188	South
8/19/2010	10:00	83	176	South
10/24/2010	19:00	153	175	South
10/25/2010	21:00	244	180	South
10/26/2010	20:00	242	180	South
10/27/2010	13:00	163	177	South
10/31/2010	22:00	125	183	South
11/1/2010	01:00	83	185	South
11/8/2010	21:00	95	198	South-southwest
11/22/2010	13:00	106	171	South
11/23/2010	07:00	242	182	South
11/24/2010	12:00	136	180	South
11/25/2010	15:00	208	180	South
11/29/2010	23:00	378	180	South
11/30/2010	03:00	149	185	South
12/11/2010	12:00	248	181	South
12/15/2010	23:00	266	181	South
12/16/2010	01:00	243	177	South
12/21/2010	09:00	235	192	South-southwest
12/30/2010	14:00	247	178	South
2011 1- hour SO_2 NAAQS Hourly Exceedances				
Date[1]	**Time[2]**	**1-hr SO_2 Concentration (ppb)**	**Wind Direction[3] (Compass °)**	**Wind Direction[3] (Compass Point)**
1/1/2011	04:00	180	176	South
1/5/2011	04:00	245	176	South
1/15/2011	21:00	186	195	South-southwest
1/16/2011	00:00	78	202	South-southwest
1/29/2011	23:00	127	178	South
1/30/2011	03:00	89	173	South
2/1/2011	12:00	214	179	South
2/15/2011	18:00	135	181	South
2/20/2011	03:00	230	174	South
2/21/2011	01:00	96	178	South
2/24/2011	18:00	238	178	South
2/27/2011	09:00	145	177	South
3/12/2011	18:00	213	175	South

3/14/2011	13:00	162	180	South
3/16/2011	23:00	92	186	South
3/17/2011	00:00	83	189	South
3/18/2011	07:00	143	176	South
3/19/2011	19:00	117	192	South-southwest
4/2/2011	21:00	185	184	South
4/3/2011	16:00	178	187	South
4/4/2011	01:00	243	178	South
4/7/2011	15:00	153	188	South
4/8/2011	18:00	180	179	South
4/9/2011	02:00	127	176	South
4/10/2011	02:00	168	188	South
4/11/2011	03:00	190	179	South
4/15/2011	07:00	237	184	South
4/18/2011	17:00	300	182	South
4/19/2011	05:00	159	177	South
4/20/2011	02:00	128	178	South
4/23/2011	12:00	121	188	South
4/25/2011	23;00	204	180	South
4/26/2011	00:00	202	178	South
4/27/2011	07:00	255	186	South
5/6/2011	19:00	170	188	South
5/9/2011	18:00	218	178	South
5/10/2011	16:00	137	179	South
5/11/2011	17:00	133	179	South
5/13/2011	04:00	126	171	South
5/21/2011	17:00	149	180	South
5/22/2011	17:00	224	178	South
5/23/2011	12:00	153	181	South
5/24/2011	16:00	198	179	South
5/25/2011	15:00	173	184	South
5/26/2011	02:00	129	199	South-southwest
5/28/2011	01:00	76	192	South-southwest
6/14/2011	17:00	85	137	Southeast
6/19/2011	20:00	111	144	Southeast
6/20/2011	16:00	86	170	South
6/21/2011	03:00	131	190	South
6/22/2011	16:00	198	182	South
6/24/2011	16:00	165	168	South-southeast
6/26/2011	20:00	228	142	Southeast
6/27/2011	19:00	165	135	Southeast
7/3/2011	17:00	91	359	North
8/6/2011	19:00	358	186	South
8/20/2011	11:00	90	191	South
8/23/2011	16:00	86	215	Southwest
9/4/2011	09:00	223	171	South
9/5/2011	02:00	296	169	South
9/13/2011	17:00	196	202	South-southwest
9/19/2011	11:00	115	357	North
9/25/2011	23:00	177	183	South
9/26/2011	02:00	226	189	South

10/23/2011	21:00	189	197	South-southwest
10/27/2011	23:00	82	188	South
11/9/2011	08:00	139	187	South
11/11/2011	20:00	80	186	South
11/13/2011	13:00	127	180	South
11/14/2011	15:00	218	181	South
11/15/2011	23:00	350	182	South
11/16/2011	04:00	375	184	South
11/26/2011	23:00	299	189	South
12/5/2011	11:00	256	180	South
12/16/2011	04;00	122	193	South-southwest
12/20/2011	12:00	159	194	South-southwest

[1] In some cases, there was more than one hourly exceedance on a given day. However, only the maximum 1-hour SO_2 concentration and corresponding wind direction during that hour are shown for each violation day.
[2] Based on Local Standard Time.
[3] Wind Direction corresponds to the specific time interval during which the 1-hour SO_2 NAAQS hourly exceedance took place.

As shown in Table 5, there were a total of 92 violation days in 2009, 58 violation days in 2010, and 76 violation days in 2011 at the Chalmette-Vista monitor in St. Bernard Parish. The data shows that from 2009-2011, the prevailing surface winds were predominantly from the south during 1-hour SO_2 NAAQS hourly exceedances. The data shows that prevailing surface winds were also often from the south-southwest during 1-hour SO_2 NAAQS hourly exceedances (although to a much lesser extent than from the south). The direction from which wind blew into St. Bernard Parish during 1-hour SO_2 NAAQS hourly exceedances corresponds to the location of the Rain CII Carbon coke plant (depicted in Figures 1 and 2 as a green circle labeled "4284") and the ExxonMobil Refinery Complex (depicted in Figures 1 and 2 as a green circle labeled "250"), both located in St. Bernard Parish. Taken together, the wind data in Tables 4 and 5 suggest that the Chalmette-Vista monitor in St. Bernard Parish is located downwind from the Rain CII Carbon coke plant and the ExxonMobil Refinery in St. Bernard Parish, and that these sources are causing the violation of the 1-hour SO_2 NAAQS at the Chalmette-Vista monitor.

Geography/topography (mountain ranges or other air basin boundaries)

St. Bernard Parish does not have any geographical or topographical barriers significantly limiting air-pollution transport within its air shed. Therefore, this factor did not play a significant role in determining the nonattainment boundary for St. Bernard Parish.

Jurisdictional boundaries

As discussed above, our evaluation of the factors indicate that St. Bernard Parish's own sources are causing the violation of the Chalmette-Vista monitor. The State recommended St. Bernard Parish to be the area designated nonattainment. Since there are no other data available to support a nonattainment boundary smaller than the St. Bernard Parish boundary, the only jurisdictional boundary we considered in our evaluation is the parish boundary.

Other Relevant Information

EPA did not receive additional information from the state relevant to establishing the initial nonattainment area boundary for St. Bernard Parish.

EPA's Area Designations Conclusion for Louisiana

After considering the factors described above and considering and responding to comments submitted by the state and the public (see our Response to Comments Document), EPA is initially designating St. Bernard Parish as nonattainment (see Table 1).

An air quality monitor in St. Bernard Parish shows a violation of the 2010 SO_2 NAAQS based on 2009-2011 air quality data. The nonattainment area boundary that EPA describes above is based on the following five factors: air quality data, emissions-related data, meteorology, geography/topography, and jurisdictional boundaries. Based on the consideration of all the relevant and available information, as described above, EPA believes that the boundary described herein encompasses the appropriate initial area that does not meet the 2010 SO_2 NAAQS, based on monitoring, and the sources that contribute to the monitored violation.

Based on the consideration of all the relevant and available information, as described above, EPA is initially designating St. Bernard Parish as nonattainment for the 2010 SO_2 NAAQS. EPA is not yet prepared to conclude that the emissions from sources located outside the initial nonattainment boundary contribute to the monitored violation or to other possible violations. In a subsequent round of designations, we will further address these areas and sources and make final initial designation decisions for areas in Louisiana not included in the nonattainment area designation addressed in this TSD.

PUBLIC SUBMISSION

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Docket: EPA-R06-OAR-2017-0558
LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0046
LA060.46 Proposed rule, extension of comment period; Louisiana; Finding of Failure To Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area. 2 pages

Document: EPA R06 OAR 2017 0558 0064
LA060.64 Anonymous public comment

Submitter Information

Name: Anonymous Anonymous

General Comment

EPA should conduct a new air modeling analysis for its decision on the sulfur dioxide concentrations in St Bernard Parish, and not just focus on one plant (Rain Carbon CII) EPA should conduct a cumulative impact and human health risk analysis in St Bernard Parish and include all sources, all pending permits, and include significant proposed projects, including the proposed mega port terminal in St Bernard Parish (Port of New Orleans proposed LIT - Louisiana International Terminal).The proposed mega port terminal may not be a stationary source, however, it will be the source of adverse and disparate affects to public health and quality of life in an area of St Bernard Parish without an air monitor. The amount of added river, rail, barge, freight, truck and commuter traffic associated with the proposed port will further degrade the air quality in St Bernard Parish with copious amounts of both sulfur dioxide and particulate matter That should be a consideration in the revised State SIP for sulfur dioxide and it should also be a consideration in the Louisiana Regional Haze planning. It would be more protective of human health to consider this before the proposed port goes forward The local governing authority, St Bernard Parish Council has recognized the amount of emissions expected from the proposed port, and unanimously passed the attached Resolution The Council understands that residents are already subject to excessive and harmful air emissions, and the air quality we hope to attain with the new State SIP for sulfur dioxide can not be sustained with the expected increased emissions from the Louisiana International Terminal, the ships at this port, its container yard, and the volumes of shipping, trucking and freight traffic. That is why the local council is calling for the suspension of the proposed international terminal EPA should foresee the issue and include the port in the State SIP and State Regional Haze planning. See attached file(s)

Attachments

Council Resolution 2198 01 22

St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpg.net

#19

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JANUARY 4, 2022 AT SEVEN O'CLOCK P.M.

On motion of Mr. Everhardt, seconded by Mr. Luna, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #2198-01-22

A RESOLUTION REGARDING LOUISIANA INTERNATIONAL TERMINAL (LIT)'s ENVIRONMENTAL IMPACT ON ST. BERNARD PARISH.

WHEREAS, the Environmental Protection Agency (EPA) reports that the air quality in St. Bernard Parish has failed to meet federal standards since at least 2013; and,

WHEREAS, St. Bernard Parish residents are already subject to excessive and harmful air emissions, including high levels of sulfur dioxide and other pollutant that's negatively impact the health, wellbeing, and safety of those that live and work in our community; and,

WHEREAS, the healthy environment and acceptable air quality for St. Bernard Parish cannot sustain the expected increase in emissions that will be created by the development of the Louisiana International Terminal (LIT), its container yard, and the volumes of trucking and freight traffic; and,

WHEREAS, federal officials were aware that sulfur dioxide emissions in St. Bernard Parish were out of compliance by EPA standards and were negligent in communicating such studies with public transparency and in protecting the health of constituents they represent; and,

WHEREAS, the Port of New Orleans has actively and aggressively pursued land purchase and the development of the Louisiana International Terminal (LIT) without sufficient studies regarding the environmental impact and without regard for the health and safety of the residents their port will affect.

NOW THEREFORE, BE IT RESOLVED, that the St, Bernard Parish Council, the Governing Authority, does hereby formally request the federal, state

St. Bernard Parish Council

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and local officials to call for an immediate suspension of the Louisiana International Terminal (LIT) project in St. Bernard Parish.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt

NAYS: None

ABSENT: Callais

The Council Vice-Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 4th day of January, 2022.

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, January 4, 2022.

Witness my hand and the seal of the Parish of St. Bernard on this 4th day of January, 2022.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

PUBLIC SUBMISSION

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LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0046
LA060.46 Proposed rule, extension of comment period; Louisiana; Finding of Failure To Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area. 2 pages

Document: EPA R06 OAR 2017 0558 0065
LA060.65 Comment submitted by Howard Luna

Submitter Information

Name: Howard Luna
Address:
Chalmette, LA, 70043
Email: (b) (6)
Phone: 504(b) (6)

General Comment

Please let the data guide your decision and not the politics. The safety of our residents and our community is always above the economic development benefits

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Comment On: EPA R06 OAR 2017 0558 0046
LA060.46 Proposed rule, extension of comment period; Louisiana; Finding of Failure To Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area. 2 pages

Document: EPA R06 OAR 2017 0558 0066
LA060.66 Comment submitted by Rain CII Carbon LLC

Submitter Information

Email: (b) (6)
Organization: Rain CII Carbon LLC

General Comment

Rain CII Carbon LLC Comments on EPA Proposed SO2 Rule for St Bernard Parish

Attachments

Rain CII Carbon_comments to EPA proposed rule on SO2 NAAQS (1-13-22) - FINAL

RAIN CARBON INC.

January 13, 2022

Filed Online and via Email

U.S. Environmental Protection Agency
EPA Docket Center (www.regulations.gov)
Docket: EPA-R06-OAR-2017-0558

EPA Region 6
ATTN: Karolina Ruan Lei
1201 Elm Street
Dallas, TX 75270

RE: **Docket ID No. EPA-R06-OAR-2017-0558**
Comments on the *Finding of Failure to Attain the Primary 2010 One-Hour Sulfur Dioxide Standard for the St. Bernard Parish, Louisiana Nonattainment Area*
U.S. EPA Proposed Rule – 86 Fed. Reg. 69,210 (Dec. 7, 2021)

Dear Sir or Madam:

Rain CII Carbon LLC ("Rain CII Carbon") submits the following comments concerning the above-referenced proposed rule published by the U.S. Environmental Protection Agency ("EPA") in the Federal Register on December 7, 2021. *See,* 86 Fed. Reg. 69,210. Through a notice in the Federal Register, EPA extended to the deadline to submit comments on this proposed rule until January 13, 2022. Rain CII Carbon appreciates the opportunity to provide these comments to EPA and requests that this correspondence be included in the administrative record for this rulemaking.

Comments Summary

As discussed below, Rain CII Carbon believes that substantial and significant improvement to the air quality in and around St. Bernard Parish, Louisiana has occurred over the past ten years, improvements that now meet, with a margin of safety, the 75 ppb one-hour national ambient air quality standard ("NAAQS") for sulfur dioxide ("SO_2"). This position is supported by actual reductions in SO_2 emissions by Rain CII Carbon's Chalmette facility and other industrial facilities and the categorical improvements to air quality in St. Bernard Parish as demonstrated by local ambient air quality monitors and air quality modeling conducted by the Louisiana Department of Environmental Quality ("LDEQ").

EPA's proposed rule states that the St. Bernard Parish Nonattainment Area failed to meet the 1-hour SO_2 standard. For the reasons discussed in these comments, Rain CII Carbon believes this conclusion is inaccurate. EPA further states that its "proposed determination is based upon review of compliance records for … the Rain CII Carbon, LLC (Rain) facility, in addition to

dispersion modeling based on the allowable limits showing design values close to the SO_2 NAAQS." 86 Fed. Reg. 69,210. EPA's discussion of the "record of compliance" incorrectly concludes that the Chalmette facility has not achieved a high degree of compliance with the SO_2 emissions limits set forth in its current Title V Operating Permit and the Administrative Order on Consent ("AOC") Agreement entered with LDEQ on August 2, 2018. The relatively few excursions of operating parameters that have occurred since 2018 is *not* an adequate justification for EPA's proposed action concerning the St. Bernard Parish Nonattainment Area. In contrast, based on the entire record of actual SO_2 reductions, the high level of compliance by Rain CII Carbon's Chalmette facility (and other facilities within St. Bernard Parish), actual SO_2 monitoring data, and the air quality modeling performed by LDEQ, EPA should determine that St. Bernard Parish is in attainment with the 1-hour SO_2 NAAQS as requested by LDEQ.

Comment No. 1 – EPA should consider the significant reductions in SO_2 emissions by Rain CII Carbon's Chalmette facility as a part of its determination of whether the area has reached attainment with the 1-hour SO_2 NAAQS.

To adequately review the attainment status of St. Bernard Parish with the SO_2 NAAQS, EPA should consider the significant reductions in permitted and *actual* SO_2 emissions at Rain CII Carbon's Chalmette facility *and* the overall reduction of SO_2 emissions in and around St. Bernard Parish. To support an attainment determination, EPA should also evaluate and recognize the following measures taken to achieve compliance by EPA, LDEQ and Rain CII Carbon. Specifically, the proposed rule fails to consider the following major improvements to air quality in St. Bernard Parish that have occurred since at least 2013.

On June 20, 2013, LDEQ and Rain CII Carbon entered an AOC Agreement (Tracking No. AE-AOA-13-00490) in which Rain CII Carbon voluntarily agreed to replace the then-existing stack for the waste heat boiler/baghouse emission point with a new stack with a height of approximately 199 feet to improve dispersion of pollutants from the Chalmette facility, including SO_2. Construction of the new stack for the waste heat boiler/baghouse was completed on September 28, 2013, and the new stack was fully operational on or around October 10, 2013. Significantly, Rain CII Carbon also voluntarily committed to reduce the total amount of SO_2 emitted from the waste heat boiler/baghouse emission points to equal to or less than 1,200 lbs./hr. based on a three-hour rolling average.

On November 9, 2017, LDEQ submitted its final SO_2 SIP, entitled *St. Bernard Parish SO_2 Nonattainment Area Louisiana State Implementation Plan Revision*, to EPA. In reference to the June 20, 2013 AOC Agreement with Rain CII Carbon, LDEQ noted that "the impact of these measures has had an incontrovertibly positive impact on observed SO_2 concentrations at the Chalmette Vista and Meraux monitors." *See*, LDEQ EDMS DocID 10860978, p. 16-17. Both monitors are within LDEQ's approved ambient monitoring network. In correspondence from EPA to LDEQ, dated September 11, 2017, the Acting Chief of the EPA Region 6 Air Planning Section stated that EPA was "in support of the proposed State implementation Plan (SIP) recently published by [LDEQ] … and believe that this action addresses the requirements under the Clean Air Act." *See*, LDEQ EDMS DocID 10802708.

On June 20, 2014, LDEQ authorized construction of a flue gas desulfurization (FGD) scrubber and baghouse system to replace the prior lime injection system at the Chalmette facility. The new FGD scrubber system became fully operational in October 2015. The federally enforceable emissions limits and operating parameters associated with the new pollution control system are set forth in the AOC Agreement, effective August 2, 2018, and in Title V No. 2500-00006-V4, issued by the LDEQ Office of Environmental Services on September 20, 2019.

LDEQ and Rain CII Carbon entered additional AOC Agreements on February 2, 2018 and August 2, 2018. These AOC Agreements established numerous SO_2 emissions limits and other operational limits for the Chalmette facility based on variable operating conditions. As noted in correspondence from Rain CII Carbon to LDEQ, dated April 26, 2018, it was necessary to conduct methods to measure and/or calculate SO_2 emissions at the Chalmette facility to comply with the AOC Agreement during start up and transition from the pyroscrubber stack to the waste heat boiler stack. As part of this evaluation, Rain CII Carbon conducted performance tests on the pyroscrubber stack on March 8-9, 2018 and July 7-8, 2018.

Following implementation of the currently effective AOC Agreement, dated August 2, 2018, Rain CII Carbon conducted additional performance tests on March 13-14, 2019, July 22-23, 2020, and September 15, 16, 18, 19, 2021 to ensure compliance with the various emissions limits and operating parameters set forth in the agreement. These reports were provided to LDEQ and evaluated by the state agency as a part of its SIP demonstration for St. Bernard Parish.

As noted, according to LDEQ the 2013 project to raise the stack to approximately 199 feet and voluntarily reduce SO_2 emissions "had an incontrovertibly positive impact on SO_2 concentrations" at two SO_2 monitors within St. Bernard Parish. The subsequent installation of the FGD scrubber and baghouse system in 2015 resulted in an additional immediate and identifiable reductions in the concentration of SO_2 emissions from the Chalmette facility. Rain CII Carbon subsequently installed a nozzle on the boiler stack in 2017 to increase the exit flue gas velocity, which improved dispersion. These reductions are clearly shown in LDEQ's historical ambient monitoring data shown in later comments.

Permitted SO_2 emissions from Rain CII Carbon's Chalmette facility were reduced by about 63 percent after installation of the new FGD scrubber system in 2015. Until October 27, 2017, permitted SO_2 emissions for the entire site were 7,008 tons/year. Permitted SO_2 emissions for the entire site are currently 2,626 tons/year.[1] Actual SO_2 emissions from the facility were reduced by approximately 57 percent after installation of the FGD scrubber system. The following table shows actual SO_2 emissions from the Chalmette facility for the most recent four years of operation (2017-2020) compared for the prior four years of operation (2013-2016).[2] The actual SO_2 emissions beginning in 2017 reflect the lower emissions limits established in the facility's Title V permit.

[1] *See*, Title V Permit No. 2500-00006-V2, issued on March 21, 2012, Title V Permit No. 2500-00006-V3, issued on October 27, 2017, and Title V Permit No. 2500-00006-V4, issued on Sep. 20, 2019.

[2] Estimates of actual SO_2 emissions were derived from LDEQ's Emission Reporting Inventory Center (ERIC) system that requires certification by a responsible official for each reporting facility.

Calendar Year	Facility-wide Actual SO_2 Emissions (tons)	Actual SO_2 Emissions per Metric Ton Produced
2013	3,062	25.0
2014	3,078	24.9
2015	2,653	18.1
2016	3,187	19.9
2017	1,661	9.1
2018	1,681	10.6
2019	1,683	10.0
2020	1,748	11.5

As shown on the above table, actual SO_2 emissions from the Chalmette facility between 2013 and 2016 averaged 2,995 tons/year. Actual SO_2 emissions from the Chalmette facility between 2017 and 2020 averaged 1,693 tons/year, resulting in a 57% reduction in SO_2 emissions from the Chalmette facility. Actual SO_2 emissions per metric ton produced were also reduced during these four-year periods by about half. Thus, although the level of calcined coke production at the Chalmette facility remained constant, or even increased, from 2017-2020, the actual SO_2 emissions from the Chalmette facility significantly decreased. As discussed, in Comment No. 4 below, these decreases have significantly improved air quality in St. Bernard Parish as shown by the SO_2 ambient monitors located in close proximity to the major sources of SO_2 emissions in the parish.

As shown on the table below, since 2013 Rain CII Carbon has spent over $21 million in improvements to the Chalmette facility and will spend another $4 million in 2022. These improvements include installation of the FGD pollution control system, and other reliability improvement projects to process equipment. These costs demonstrate Rain CII Carbon's commitment to improve air quality in St. Bernard Parish and help the state's SO_2 NAAQS attainment goals. Rain CII Carbon notes that the Chalmette facility is not the sole emitter of SO_2 emissions in the parish and is, therefore, not solely responsible for the current nonattainment status. Nevertheless, Rain CII Carbon's commitment to improving air quality is demonstrated, in part, by the following projects:

Year	Project Description	Approximate Cost
2013	Installation of 199' stack for waste heat boiler to improve dispersion of SO_2 emissions from the Chalmette facility	$1,3000,000
2015	Installation of FGD scrubber system to meet NAAQS. The new control system represents best available control technology (BACT) for coke calciners.	$16,300,000
2017	Installation of nozzle in waste heat boiler stack to increase the flue gas velocity and improve fluid dispersion of gas from the permitted emission point	$32,600

Year	Project Description	Approximate Cost
2018	Replaced economizer section of tubes in waste heat boiler to improve reliability of unit and reduce emissions from the pyroscrubber emission point	$3,500,000
2022	New project will replace the steam generating bank tubes in the waste heat boiler and upgrade welds in economizer section of boiler. The project is designed to improve reliability of boiler and reduce emissions from pyroscrubber emission point.	$4,000,000

In addition to the above capital projects, Rain CII Carbon has spent, on average, over $2 million per year on operating and maintenance ("O&M") costs for the FGD scrubber system over the past four years (2018-2021). These O&M costs will continue in future years and will likely increase over time.

Over the past 10 years, Rain CII Carbon has made substantial, verifiable improvements to the Chalmette facility. These improvements have resulted in significant reductions of SO_2 emissions at considerable expense to the company. EPA should acknowledge these improvements in its proposed rule and should account for these reductions in its determination of whether St. Bernard Parish has achieved compliance with the current 1-hour SO_2 NAAQS. EPA should further address the specific SO_2 emissions reductions by the Chalmette facility and the resulting improvements to air quality between 2017 and 2021 in its proposed rule.

As discussed in Comment No. 3 below, other industrial facilities in St. Bernard Parish also reduced SO_2 emissions from 2011 to 2021 and there has been no increase in SO_2 from any new stationary source or mobile sources in the region. In its SIP, LDEQ has adequately demonstrated that St. Bernard Parish should be redesignated as in attainment with the 1-hour SO_2 NAAQS. Based on the foregoing (and Rain CII Carbon's other comments discussed below), there is substantial evidence that St. Bernard Parish is currently in attainment with the SO_2 NAAQS and adequate measures are in place to maintain NAAQS compliance, including federally enforceable SO_2 emissions limits for Rain CII Carbon's Chalmette facility.

<u>Comment No. 2 – EPA should consider the overall level of compliance by Rain CII Carbon's Chalmette facility with its Title V permit and the AOC Agreement in its determination of whether St. Bernard Parish area has reached attainment with the SO_2 NAAQS.</u>

In its proposed rule, EPA apparently bases its recommendation solely on the "record of compliance" of Rain CII Carbon's Chalmette facility. The Preamble states that EPA must review "whether the control strategy has been fully implemented and whether the relevant sources in an area are complying with the emission limits and stack parameters required in the SIP" when relying on modeling of allowable emissions to support a determination of whether an area has reached attainment. *See,* 86 Fed. Reg. 69,213. The Preamble further states that "Rain's compliance records, Title V deviation reports, and annual stack tests since August 2, 2018 (the effective date of the AOC) demonstrate a pattern of difficulty complying with the SIP emission limits at all times and

difficulty in estimating emissions and flowrates from the pyroscrubber to demonstrate compliance." *See,* 86 Fed. Reg. 69,214. Rain CII Carbon does not agree with the conclusions reached by EPA concerning Rain's compliance record since August 2, 2018. In addition, Rain CII Carbon believes that EPA should consider the *entire* record of air quality improvements in and around St. Bernard Parish and actual air quality data in making an attainment determination.

With respect to compliance with the AOC Agreement and the facility's Title V permit, Rain CII Carbon's Chalmette facility has an excellent record of compliance. As discussed in Comment No. 1 above, the facility's permitted SO_2 emissions for the entire site (*i.e.*, all sources of SO_2 emissions at the facility) is currently 2,626 tons/year. The Chalmette facility has operated well below this sitewide total over the past four years (as shown on certified ERIC reports) in addition to annual SO_2 limits for individual sources.

In addition, the current Title V permit includes short-term SO_2 emissions limits for the waste heat boiler/baghouse (EQT 0003) and the pyroscrubber stack (EQT 0004). EQT 0003 has a max. lb./hr. SO_2 limit of 510.00 lb./hr. and EQT 0004 has a max. lb./hr. SO_2 limit of 2,022.70 lb./hr.[3] Except for very limited periods (discussed below), the Chalmette facility has not exceeded the short-term SO_2 emissions limits over the past four years as verified in Title V semiannual deviation reports and annual compliance certifications. As required by the Title V permit, the Chalmette facility is required to operate and maintain a SO_2 continuous emissions monitor ("CEMS") for the waste heat boiler/baghouse (EQT 0003) to ensure compliance with these limits. *See,* Specific Requirement Nos. 55-58 and 80 in Title V No. 2500-00006-V4.

The AOC Agreement, entered between LDEQ and Rain CII Carbon and effective on August 2, 2018, includes 12 distinct emissions limits for SO_2 emitted from the waste heat boiler/baghouse (EQT 0003) and/or the pyroscrubber (EQT 0004). These emissions limits vary depending on operating condition of the rotary kiln and associated process equipment and was established based on flow and temperature parameters. The AOC Agreement also includes various monitoring, reporting, recordkeeping, and testing requirements for the waste heat boiler/baghouse and the pyroscrubber to ensure compliance with the underlying emission limits. Importantly, an excursion of a flowrate or temperature parameter does *not* necessarily equate to an exceedance of a SO_2 emissions limit.

Review of WHB/Baghouse Compliance

Based on a review of CEMS data for CY 2020, the waste heat boiler/baghouse (EQT 0003) was in compliance with the short-term SO_2 emissions limits set forth in the AOC Agreement and Title V permit except for 30 hours of kiln operating time. Thus, based on a total operating time of 7,234 hours, this emissions source complied with its permit limits for 99.6 percent of all kiln hours of operation in 2020.

Based on a review of CEMS data for the first half of CY 2021, the waste heat boiler/baghouse (EQT 0003) was in compliance with the short-term SO_2 emissions limits set forth in the AOC Agreement and Title V permit except for 15 hours of kiln operating time. Thus, based

[3] The waste heat boiler/baghouse (EQT 0003) is also subject to a SO_2 concentration limit of 2,000 ppmv per LAC 33:III.1503.C. *See,* Specific Requirement No. 53 in Title V No. 2500-00006-V4.

on a total operating time of 4,018 hours in the first half of 2021, this emissions source complied with its permit limits for 99.9 percent of all kiln hours of operation in the first half of 2021.

Review of Pyroscrubber Compliance

The Title V permit further limits the pyroscrubber stack (EQT 0004) to an operating time of 500 hours or less per year (based on a 12-month rolling average). Specifically, Specific Requirement No. 110 in the current Title V permit states: "Operating time <= 500 hr/yr during which the pyroscrubber may vent through the pyroscrubber stack." The Title V permit further requires Rain CII Carbon to report all noncompliance with this permit condition to LDEQ. As shown on Title V semiannual reports and annual compliance certifications, Rain CII Carbon has not exceeded the 500-hour limit (based on a 12-month rolling average) since implementation of the effective AOC Agreement. In addition, the 500-hour limit represents less than 6 percent of the total allowable operating time of the kiln annually (*i.e.,* the period that emissions can be routed through the pyroscrubber). Although the 500-hour limit is necessary for operational flexibility, Rain CII Carbon has historically operated within this limit.

Based on a review of CEMS data for CY 2020, the pyroscrubber (EQT 0004) was in compliance with the flowrate and temperature operating parameters set forth in the AOC Agreement and Title V permit except for 72 hours of operating time. Thus, based on total operating time of 7,234 hours, this emissions source complied with the flow and temperature permit conditions for 99.0 percent of all kiln hours of operation in 2020.

Based on a review of CEMS data for the first half of CY 2021, the pyroscrubber (EQT 0004) was in compliance with the flowrate and temperature operating parameters set forth in the AOC Agreement and Title V permit except for 78 hours of operating time. Thus, based on total operating time of 4,018 hours for the first half of 2021, this emissions source complied with the flow and temperature permit conditions for 98.1 percent of all kiln hours of operation in the first half of 2021.

Comment No. 3 – EPA should consider the current level of SO_2 emissions in St. Bernard Parish from industrial and mobile sources as a part of its determination of whether the area has reached attainment with the SO_2 NAAQS.

EPA's proposed rule fails to consider the significant reductions in SO_2 emissions by other facilities and mobile and non-road sources in its proposed rule. To support an attainment determination, EPA should also evaluate and recognize the reductions in SO_2 emissions by the two refineries located in St. Bernard Parish and other sources.

Chalmette Refining, LLC ("Chalmette Refining") operates a petroleum refinery in St. Bernard Parish and is located in close proximity to Rain CII Carbon's Chalmette facility. In 2006, Chalmette Refining entered into a Consent Decree with EPA and LDEQ that mandated the installation of various pollution control equipment to reduce SO_2 and other pollutants. In response to the Consent Decree, Chalmette Refining invested over $62 million to reduce SO_2 emissions that included the installation of a flare gas recovery system for the refinery flare, rerouting and control of sulfur pit emissions, and reliability improvements at the refinery's Flare Gas Management

system and Sulfur Recovery Unit ("SRU"). The emissions reductions required by the Consent Decree are fully implemented and have been incorporated into Chalmette Refining's current Title V permit as federally enforceable limits.

Valero Refining-Meraux, LLC ("Valero Refining") operates a petroleum refinery in St. Bernard Parish and is located approximately two miles from Rain CII Carbon's Chalmette facility and in close proximity to the Meraux air quality monitor. In 2011, a prior owner entered into a Consent Decree with EPA and LDEQ that required the installation of various pollution control equipment to reduce SO_2 and other pollutants. In response to the Consent Decree, Valero Refining invested millions to reduce SO_2 emissions that included the installation of a flare gas recovery system for the refinery flare, rerouting and control of sulfur pit emissions, reduction of SO_2 emissions from the refinery's fluidized catalytic cracking unit ("FCCU"), and implementation of corrective actions following flaring events and upsets within the SRU. The emissions reductions required by the Consent Decree are fully implemented and have been incorporated into Valero Refining's current Title V permit as federally enforceable limits.

The improvements to air quality due to the reductions by Chalmette Refining and Valero are evident in recent emissions inventories submitted to LDEQ. Annual SO_2 emissions for the most recent five years are shown in the table below for each refinery:

Calendar Year	Chalmette Refining Actual SO_2 Emissions (tons)	Valero Meraux Refinery Actual SO_2 Emissions (tons)
2016	153.4	38.8
2017	199.9	30.6
2018	198.6	62.3
2019	216.1	61.6
2020	183.7	73.8

The above emissions summary for the two refineries within St. Bernard Parish represent lower actual SO_2 emissions compared to prior years. Specifically, the refineries have each reduced actual SO_2 emissions by over 90 percent or more over the past decade. EPA should take these reductions and the resulting improvements to air quality into account when making an attainment determination for the St. Bernard Parish area.

Over the past 15 years, EPA has also promulgated regulations to control fuel and engine standards to reduce SO_2 emissions from on-road and nonroad engines. These include the "Tier 2" and "Tier 3" fuel regulations, which required the reduction of sulfur in gasoline from an average of 300 ppm to an average of 30 ppm and then to 10 ppm, and the "2007 Highway Rule" that required the reduction of sulfur in diesel fuel for highway vehicles from 500 ppm to 15 ppm. The Tier 3 fuel regulations became effective on January 1, 2017 and has resulted in further reduction of ambient SO_2 within St. Bernard Parish over the past five years. As described in LDEQ's proposed SIP, dated November 9, 2017, mobile and nonpoint source emissions accounted for hundreds of tons of SO_2 emissions in 2011. *See,* LDEQ EDMS DocID 10860978, p. 9. Thus, mobile source SO_2 emissions have significantly decreased over the past decade in St. Bernard Parish. EPA should also consider these improvements when making an attainment determination for the St. Bernard Parish area.

In addition to the improvements to air quality described above, a petroleum refinery located in nearby Plaquemines Parish recently announced that it will permanently shut down. As shown on recent ERIC reports, the Phillips 66 Alliance Refinery located in Belle Chasse, Louisiana has emitted over 400 tons of SO_2 per year over the past five years (average for 2016 to 2020 period). Thus, the St. Bernard Parish area should experience additional improvements to ambient air quality due to the permanent closure of this petroleum refinery.

The air quality improvements due to SO_2 reductions are shown in the current one-hour design value for St. Bernard Parish and the downward trend reflected in monitoring data. The following graphs provide a visual representation of Table 1 in EPA's proposed rule and highlight the improvements in air quality in St. Bernard Parish over the past 10 years:

Notes:
1. Data based on Table 1 2013-2020 One-Hour SO_2 Design Values for the St. Bernard Area for Chalmette per 86 Federal Register (FR) 69210.
https://www.federalregister.gov/documents/2021/12/07/2021-26433/finding-of-failure-to-attain-the-primary-2010-one-hour-sulfur-dioxide-standard-for-the-st-bernard.
2. Table 1 data based on 3-year averages of the 99th percentile of SO_2 ambient monitor data for Chalmette from Monitor ID 220870007 at 24 E. Chalmette Circle, Chalmette, LA. Monitor data can be obtained from EPA's Outdoor Air Quality Monitor Values Report website - https://www.epa.gov/outdoor-air-quality-data/monitor-values-report.

Notes:
1. Data based on Table 1 2013-2020 One-Hour SO_2 Design Values for the St. Bernard Area for Meraux per 86 Federal Register (FR) 69210. https://www.federalregister.gov/documents/2021/12/07/2021-26433/finding-of-failure-to-attain-the-primary-2010-one-hour-sulfur-dioxide-standard-for-the-st-bernard.
2. Table 1 data based on 3-year averages of the 99th percentile of SO_2 ambient monitor data for Meraux from Monitor ID 220870004 at 4101 Mistrot Drive, Meraux, LA. Monitor data can be obtained from EPA's Outdoor Air Quality Monitor Values Report website - https://www.epa.gov/outdoor-air-quality-data/monitor-values-report.

As shown in the above graphs, the one-hour design value for 2018-2020 for the Meraux monitor is about 10 percent of the 1-hour SO_2 NAAQS and the design value for the Chalmette Vista monitor for the same period is close to half the 75-ppb standard. Based on this historical trend and the fact that no increases are anticipated, it is reasonable to conclude that LDEQ's approved SIP has succeeded in reaching attainment with the SO_2 NAAQS for this area.

Comment No. 4 – EPA should consider the significant improvements demonstrated by air monitoring data in close proximity to the Chalmette facility in its determination of whether St. Bernard Parish has reached attainment with the SO_2 NAAQS.

St. Bernard Parish includes two ambient air monitoring stations within one mile of the three major stationary sources (*i.e.*, Rain CII Carbon, Valero Refining and Chalmette Refining). These ambient air monitors are within LDEQ's approved monitoring network and have historically monitored (and currently monitor) for SO_2. Thus, there is reliable, verifiable monitoring data that has demonstrated compliance with the 1-hour SO_2 NAAQS for at least the prior three years.[4]

[4] LDEQ's ambient air quality data is accessible at: https://airquality.deq.louisiana.gov/.

The Chalmette Vista monitor is located at 24 E. Chalmette Avenue in Chalmette, Louisiana. It is an official State and Local Ambient Monitoring Station ("SLAMS") with EPA and monitors SO_2, H_2S and other parameters, and is equipped with a meteorological station that measures wind speed, wind direction, and temperature. It monitors for SO_2 using the U.V. Fluorescence method, which is acceptable for NAAQS compliance comparisons. The Chalmette Vista monitor is in close proximity to Rain CII Carbon and Chalmette Refining and is considered by EPA to be downwind of these facilities per EPA's Technical Support Document for Louisiana 1-Hour SO_2 Area Designations.

The Meraux monitor is located at 4101 Mistrot Drive in Meraux, Louisiana in close proximity to the Valero refinery. It is designated as a Special Purpose Monitoring Station ("SPMS") and monitors SO_2 and other parameters and is located less than two miles from the Chalmette Vista monitor within St. Bernard Parish. It also monitors for SO_2 using the U.V. Fluorescence method, which is acceptable for NAAQS compliance comparisons. Both monitors have met all data quality requirements imposed by EPA rules (40 CFR Part 58, Appendix A) over the past ten years. These rules ensure that specified data quality objectives are met with respect to monitoring accuracy and precision. EPA most recently approved the LDEQ ambient monitoring network as being compliant with 40 CFR Part 58 on October 20, 2021 *See*, LDEQ EDMS DocID 13002795.

Over the past decade, these monitors have shown continuous improvement in both the design value for SO_2 and the number of exceedances of the 1-Hour SO_2 NAAQS. As shown on the figures below, the current design value is well below the 75 ppb standard and there have been no exceedances at either monitor. Compared to the same data from 2009-2015, there has been dramatic improvement to the air quality in St. Bernard Parish due to the reductions in SO_2 from multiple sources, including Rain CII Carbon's Chalmette facility.

Table 1 in EPA's proposed rule highlights the significant progress made in St. Bernard Parish to attain the 1-Hour SO_2 NAAQS in which EPA acknowledges a "downward trend … less than 75 ppb for the one-hour standard. *See,* 86 Fed. Reg. 69,213. Table 1, in fact, shows more than a "downward trend," but attainment with the standard since at least 2015:

Table 1 – 2013-2020 One-Hour Design Values for the St. Bernard Area

Years	**Chalmette Vista design value (ppb)**	**Meraux design value (ppb)**
2013-2015	114	19
2014-2016	82	16
2015-2017	73	13
2016-2018	59	10
2017-2019	44	7
2018-2020	42	8

EPA apparently disregards this progress, however, by stating that "the monitor is not located in an area of maximum predicted concentration, and therefore cannot be used, *on its own*,

to determine that the St. Bernard Parish area attained by the attainment date." *Id.* (emphasis added). EPA did not explain in its proposed rule why the Chalmette Vista or Meraux monitors are not located in an area of maximum concentration. As noted, the Chalmette Vista monitor is located in close proximity to two major stationary sources within St. Bernard Parish. EPA considered close proximity to sources as a major factor when the agency approved the locations of five new SO_2 monitors in Louisiana in 2016. In addition, based on prior SIP documents, EPA used these monitors to designated St. Bernard Parish as nonattainment with the 1-hour SO_2 NAAQS.

For the review of St. Bernard Parish, the exclusive use of monitoring data is not necessary to reach an attainment determination. As discussed in these comments and elsewhere, there are other numerous reasons that justify an attainment demonstration in addition to air monitoring, including the significant reductions to SO_2 within and outside of the area, modeling, and consistent compliance with enforceable air permits and agreements.

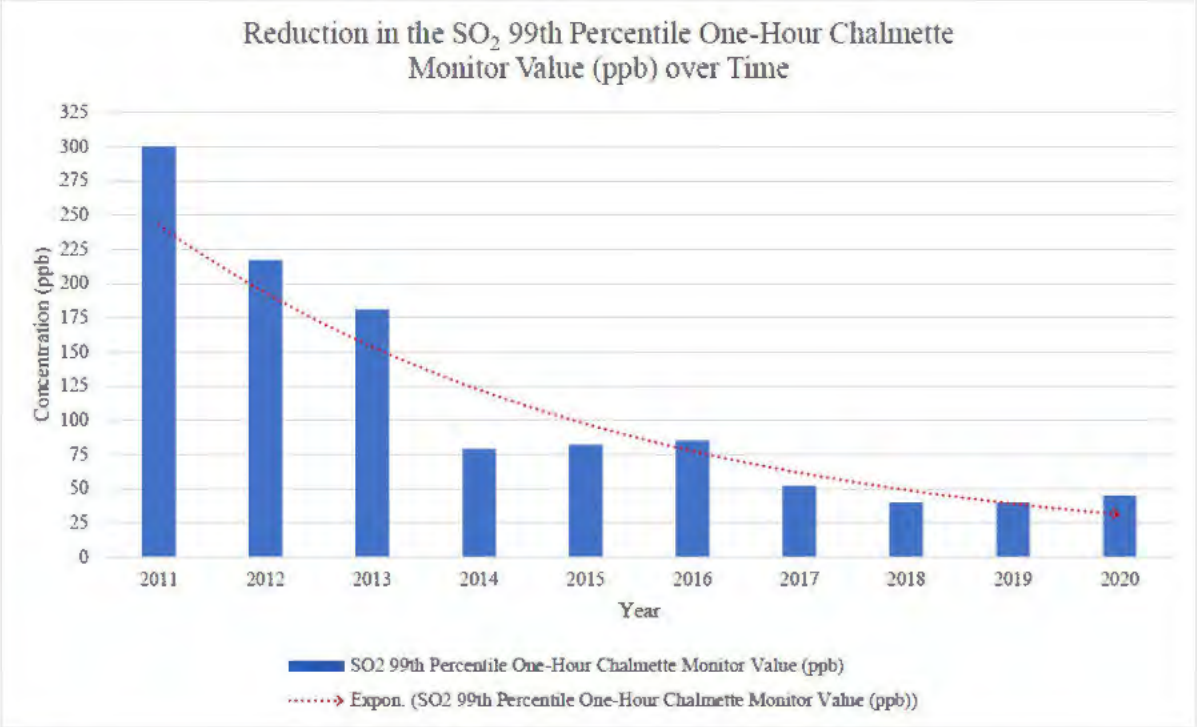
In prior SIP approvals, EPA has used a "weight-of-evidence" approach in reviewing monitoring data, modeling data, and other relevant evidence to determine whether a proposed SIP will result in attainment with a NAAQS.[5] Under this approach, EPA should consider the unambiguous and consistent reductions in one-hour design values at both the Chalmette Vista and Meraux monitors over the past decade. If EPA cannot consider monitoring "on its own" to determine that the St. Bernard Parish area attained by the attainment date, it can certainly use monitors in close proximity to major sources as strong evidence that attainment has been reached along with other relevant evidence.

The following data highlights the improvements in air quality from 2011-2020 within St. Bernard Parish. (Prior to June 22, 2010, the SO_2 NAAQS was 140 ppb based on a 24-hour average.) This data was derived from EPA's Outdoor Air Quality Data website and shows a consistent reduction in the 99th percentile value for SO_2 at the Chalmette Vista monitor, which is in close proximity to Rain CII Carbon and Chalmette Refining. Consistent with the changes noted above, the graph depicts the reduction in the ambient monitor concentrations in the past 10 years.

Year	SO_2 99th Percentile One-Hour Chalmette Vista Monitor Value (ppb)
2011	300
2012	217
2013	181
2014	79
2015	82
2016	85
2017	52
2018	40
2019	40

[5] For example, EPA has used a "weight-of-evidence" approach for various Clean Air Act § 179B attainment demonstrations involving international transport of emissions. *See also,* EPA's Approval and Promulgation of Implementation Plans for the District of Columbia, Maryland and Virginia Moderate Ozone Nonattainment Area, 80 Fed .Reg. 19,206, 19,213 (Apr. 10, 2015).

Year	SO_2 99th Percentile One-Hour Chalmette Vista Monitor Value (ppb)
2020	45



Notes:
1. Data based on yearly SO_2 99th percentile one-hour ambient monitor data for Chalmette from Monitor ID 220870007 at 24 E. Chalmette Circle, Chalmette, LA. Monitor data obtained from EPA's Outdoor Air Quality Monitor Values Report website - https://www.epa.gov/outdoor-air-quality-data/monitor-values-report.

As shown on the above table and graph, *actual* air quality has improved and is well within the 75 ppb SO_2 standard. Furthermore, it is unlikely that air quality is significantly different within St. Bernard Parish at other locations due to the proximity of this air quality monitor (and the Meraux monitor) to the major industrial sources. It is reasonable that if EPA used these monitors as a basis to designate St. Bernard Parish as in nonattainment with the 1-hour SO_2 NAAQS, then EPA should also consider this data when reviewing LDEQ's recommendation to redesignate the area as in attainment.

Comment No. 5 – EPA should consider the conservative nature of the modeling data performed by LDEQ and the overall level of compliance in its determination of whether St. Bernard Parish has reached attainment with the SO_2 NAAQS.

As discussed in the proposed rule, LDEQ used the most recent version of AERMOD and followed EPA's guidance for SIP modeling for SO_2. The analysis is based on allowable emissions (*i.e.*, the maximum permitted amount) and stack parameters for different operational stages at the

Rain facility, including stand-alone operations for the waste heat boiler and the pyroscrubber and transition stages between the two modes of operation. 86 Fed. Reg. 69,213. In its *Supplemental Notice of Proposed Rulemaking*, published on February 8, 2019, EPA stated that LDEQ's "supplemental October 9, 2018 modeling provides continued support for a proposed approval of the attainment demonstration that was originally submitted in November 2017." 84 Fed. Reg. 2801, 2803. As discussed in Comment No. 2 above, this conclusion is supported by the high level of compliance by Rain CII Carbon's Chalmette facility with its Title V permit and the AOC Agreement.

Under a weight-of-evidence approach, EPA should also consider the overly conservative nature of AERMOD used to predict impacts to ambient air quality. AERMOD modeling typically predict impacts higher than air quality monitoring, and often significantly higher than nearby monitoring sites. Prior comments to LDEQ's proposed SIP reference studies that illustrate that AERMOD overpredicts SO_2 concentrations. *See,* LDEQ EDMS DocID 10860978, pp. 47-171. The conservative nature of AERMOD includes use of allowable peak emissions, instead of actual emissions, and worst-case meteorological data.

Despite the use of an overly conservative model, LDEQ's modeling demonstrated that the proposed controls resulted in attainment of the 1-hour SO_2 NAAQS. The relatively minor excursions from operating parameters at the Chalmette facility referenced by EPA in its proposed rule do not justify a conclusion that "the St. Bernard Parish SO_2 nonattainment area has failed to attain the 2010 one-hour SO_2 standard … by October 4, 2018." 86 Fed. Reg. 69,214. On the contrary, the overwhelming evidence signifies that the area has consistently attained the SO_2 NAAQS and will continue to do so by a wide margin based on the emissions reductions and the controls currently in place. As noted, Rain CII Carbon has satisfied the terms and conditions, and emissions limits in the currently effective AOC Agreement to a high degree since August 2, 2018. As such, the compliance record of this one industrial facility does not impact LDEQ's air modeling demonstration in any meaningful way. Regardless, this is not how EPA should evaluate LDEQ's attainment demonstration for the reasons noted in the above comments.

<u>Comment No. 6 – EPA should consider the pending amendment to the AOC Agreement between LDEQ and Rain CII Carbon that has been reviewed by both EPA and LDEQ as a part of its evaluation.</u>

As EPA is aware, Rain CII Carbon has been in discussions with LDEQ and EPA concerning an amendment to the currently effective AOC Agreement entered on August 2, 2018. As discussed in Comment No. 1 above, Rain CII Carbon conducted performance tests on the pyroscrubber stack on March 8-9, 2018 and July 7-8, 2018. After implementation of the AOC Agreement, Rain CII Carbon conducted additional performance tests on March 13-14, 2019, July 22-23, 2020, and September 15, 16, 18, 19, 2021. All performance tests were submitted to LDEQ for its review.

The proposed amendment to the AOC Agreement will revise certain flow and temperature operating parameters to reflect the performance tests conducted by Rain CII Carbon between 2018 and 2021. It is our understanding that LDEQ will also confirm that attainment will be maintained with the revised parameters through air quality modeling. Rain CII Carbon believes that EPA

currently has abundant justification to redesignate St. Bernard Parish as in attainment with the 1-hour SO_2 NAAQS. Regardless, an amendment to the current AOC Agreement between LDEQ and Rain CII Carbon will further reduce the self-reported flow and temperature excursions for the waste heat boiler/baghouse and pyroscrubber emissions points. EPA should take these pending changes to the AOC Agreement into account as a part of its final rule.

Thank you for EPA's review of these comments. If you have any questions or need additional information, I can be reached at (504)434-6106 or derek.taylor@raincarbon.com.

Very truly yours,

Derek Taylor

Derek Taylor
Plant Manager

PUBLIC SUBMISSION

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Docket: EPA-R06-OAR-2017-0558
LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0046
LA060.46 Proposed rule, extension of comment period; Louisiana; Finding of Failure To Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area. 2 pages

Document: EPA R06 OAR 2017 0558 0067
LA060.67 Comment submitted by Joanne Drummond

Submitter Information

Name: Joanne Drummond
Address:
New Orleans, LA, 70117
Email: (b) (6)

General Comment

As a resident of the Lower Ninth Ward in New Orleans, I am asking the EPA to enforce air quality standards to lower the concentration of sulfur dioxide in St. Bernard Parish. I live by the parish line and the large number of refineries and chemical companies in St Bernard has a negative effect on residents of my neighborhood. I often can't go outside because the stench wafting down the river from these companies is unbearable I have experienced breathing issues in the six years since I have moved here, and I am certain that it is from the pollution. The state does nothing to control these companies due to payoffs and corrupt politicians, and we are relying on the federal government to intervene Please help us Our lives depend on it.

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LA060.46 Proposed rule, extension of comment period; Louisiana; Finding of Failure To Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area. 2 pages

Document: EPA R06 OAR 2017 0558 0068
LA060.68 Comment submitted by Louisiana Department of Environmental Quality

Submitter Information

Email: (b) (6) [redacted]
Government Agency Type: State
Government Agency: Louisiana Department of Environmental Quality

General Comment

See attached file(s)

Attachments

LDEQ Comments to Finding of Failure 01132022

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF THE SECRETARY

Finding of Failure to Attain the Primary 2010 One-hour
Sulfur Dioxide Standard for St. Bernard Parish, Louisiana
Nonattainment Area

Via: regulations.gov: Docket No. EPA-R06-OAR-2017-0558

To whom it may concern:

The Louisiana Department of Environmental Quality (LDEQ) is pleased to submit these comments to the Environmental Protection Agency (EPA) on the proposed rule "Finding of Failure to Attain the Primary 2010 One-Hour Sulfur Dioxide (SO2) Standard for St. Bernard Parish, Louisiana Nonattainment Area" published in the *Federal Register* on December 7, 2021.

EPA, in its proposed determination, relies heavily upon the argument that the current monitor is not located in the area of maximum concentration. The area of maximum concentration is located in the Jean Lafitte National Historical Park and Preserve, Chalmette Battlefield, which is a wide expanse of uninhabited land. In discussion with EPA Region 6, LDEQ has argued that the monitor is located in a neighborhood directly across from the Rain CII facility making it better suited toward the protection of the residents.

EPA's Table 1[1] provides one-hour design values from 2013-2020, providing the current design value of 42ppb, which is 44% of the standard. Modeling is a tool that uses algorithms to predict where particles (molecules) from a plume will be deposited based upon weather data (2013-2018 met data). Monitors collect actual data, which is reviewed and reported to EPA annually.

The area of maximum concentration is modeled using the area facility's potential to emit (PTE). While this is not an unusual method, it should be noted that the PTE used for Rain CII were estimates based upon the flow through the pyroscrubber transitioning to the waste heat boiler/wet scrubber which is effectively two separate control strategies merged into one to reduce emissions of SO2. The pyroscrubber is limited to 500 hours annually, making the waste heat boiler/wet scrubber the main control. Rain CII, LDEQ and EPA have formulated different modeling scenarios, including emission limits, equations, etc. Each modeling event presents yet another hypothetical to be modeled. And with each modeled result, new emission factors or equations were developed; however Rain CII has been unable to either maintain the limits or cannot prove the equation through stack test procedures. The pyroscrubber reaches temperatures that melt test probes, and after a laser flow meter was installed, flames interrupted the laser's ability to measure. None of this work was done in a vacuum; EPA was involved from the beginning.

[1] 86 FR 69210, Finding of Failure to Attain the Primary 2010 One-Hour Sulfur Dioxide Standard for the St. Bernard Parish, Louisiana Nonattainment Area, December 7, 2021 at page 69213

The LDEQ will concede that Rain CII has not adequately met the emission limits in the Administrative Orders on Consent; but the LDEQ will also put forth that all equations used to establish those limits were based upon theoretical modeling scenarios contrived from the facility's operations. It is difficult to predict every possible operating combination for this facility. LDEQ believes that modeling the periods when the facility did not meet the established limits would present a better picture of whether the area was attaining, rather than assuming that the limited number of modeled combinations are the only possible combinations that would pass modeling. LDEQ continues to model new combinations and there are numerous variations of operating parameters that result in passing models.

LDEQ staff work tirelessly toward meeting air quality standards set by EPA. As such it is disappointing that EPA relies so heavily on one tool, rejecting raw data and realized results when making such important determinations as is the case in this matter. Industry in St. Bernard Parish has reduced SO2 emissions since 2010 by 62%. The monitors in the area also demonstrate attainment. However, because a model, through the use of algorithms and past meteorological conditions as inputs to predict future conditions, determines that the historical neighborhood monitor is not in the area of maximum predicted concentration, St. Bernard Parish must remain designated as nonattainment.

EPA approved the state's SO2 attainment demonstration and subsequent amendments. The attainment plan sets forth provisions which are implemented when an exceedance is caused or if a facility does not meet emission limits. In this case, if the state determines that the area is not meeting the control strategy then approved contingency measures can be implemented. Instead, EPA has proposed to issue a finding of failure to attain, thereby holding the entire nonattainment area hostage while ignoring true data.

In conclusion, LDEQ requests that EPA reassess this proposal and find the area in attainment based upon the monitored data, or redesignate the area to unclassifiable since the model results are not based upon continuous emission monitoring system (CEMS) data, conventional AP 42 Factors, or data derived from a completed stack test.

Sincerely,

Chuck Carr Brown, Ph.D.
Secretary

1-13-2022
Date

C: Karolina Raun-Lei,
EPA Region 6

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LA060 Louisiana St Bernard Parish Sulfur Dioxide (SO2) Nonattainment Area State Implementation Plan and Attainment Demonstration, submitted to EPA November 9, 2017 (LA-145)

Comment On: EPA R06 OAR 2017 0558 0046
LA060.46 Proposed rule, extension of comment period; Louisiana; Finding of Failure To Attain the Primary 2010 One Hour Sulfur Dioxide Standard for the St Bernard Parish, Louisiana, Nonattainment Area. 2 pages

Document: EPA R06 OAR 2017 0558 0069
LA060.69 Comment submitted by The Valero Companies

Submitter Information

Email: (b) (6) [redacted]
Organization: The Valero Companies

General Comment

Comments by the Valero Companies regarding the Proposed Finding of Failure to Attain the Primary 2010 One-Hour Sulfur Dioxide Standard for the St. Bernard Parish, Louisiana Nonattainment Area, Federal Register Vol 86 No 232, December 7, 2021, Pg 69210 69215

Attachments

Valero comments proposed finding of failure to attain the NAAQS 1-13-22

January 13, 2022

Air and Radiation Docket
Environmental Protection Agency
Attn: Docket ID No. EPA–R06–OAR–2017–0558
Submitted Electronically via EPA Docket at https://www.regulations.gov

Re: Proposed Finding of Failure to Attain the Primary 2010 One-Hour Sulfur Dioxide Standard for the St. Bernard Parish, Louisiana Nonattainment Area
Federal Register Vol. 86. No. 232, December 7, 2021, Pg 69210-69215
Comments by the Valero Companies

Dear Sir/Madam:

The Valero Companies ("Valero") appreciate the opportunity to provide comments regarding the United States Environmental Protection Agency's ("EPA") Proposed Finding of Failure to Attain the Primary 2010 One-Hour Sulfur Dioxide Standard for the St. Bernard Parish, Louisiana Nonattainment Area. Valero owns and operates the Valero Meraux Refinery in the St. Bernard Parish and is consequently impacted by the agency's decisions regarding attainment status and any emissions source regulations necessary to reach attainment. The Meraux Refinery has a design capacity of 135,000 barrels per day and provides beneficial employment to the surrounding community in the production of transportation fuels for the nation. Valero continues to support EPA and LDEQ's current strategy of identifying significant, attainment-influencing sources of SO_2 emissions through air dispersion modeling. With these comments, Valero is also emphasizing significant reductions in our facility's SO_2 emission since the last modeling analysis and development of the 2018 Supplement to the Technical Support Document (EPA-OAR-2017-0558-0029). These reductions should further reinforce the agency's findings that the Valero refinery is not contributing to a proposed determination of nonattainment for the St. Bernard Parish.

The 2018 Supplemental Technical Support Document (TSD) prepared by EPA addressed the modeling demonstration of attainment for the parish and describes the additional modeling performed by the State, taking into account additional information submitted regarding emission sources and operations. The Valero Meraux refinery was included in this analysis, with a stated potential-to-emit (PTE) of 1773 tons per year (TPY) of SO_2 (actual emission of 124 TPY in 2014 and 74 TPY in 2016 were also considered). Contemporaneous to the development of this supplement, the Valero Title V Operating Permit (No. 2500-00001-V17) was revised to reflect modifications that resulted in significant reductions in emissions. Permitted site-wide SO_2 emissions are now limited to 594 TPY, a 66% reduction in emissions. Our trend of actual emissions continues to decrease over time, reduced from 746 TPY in 2009 to 39 TPY in 2020.

Air Quality System monitor 22-087-0004 (the Meraux monitor) is located less than 1.5 km to the ENE from the Valero Refinery at 4101 Mistrot Drive in St. Bernard Parish, and is adjacent to an elementary school. This is the closest monitor to the refinery. The three-year 1-hour average SO_2 design value since 2010 has never indicated nonattainment with the 2010 SO_2 NAAQS, peaking at 32 ppb in 2010 and is currently at 14 ppb, or over 5 times below the current NAAQS. Meanwhile, Air Quality System monitor 22-087-0007 (the

Chalmette-Vista monitor), which is located approximately 4 km from the Valero Refinery, has until recently indicated SO_2 concentrations well over the 75 ppb standard, and based on modeling appears heavily influenced by emission sources in close proximity. This monitor is unlikely to be influenced by our operations, which is supported by 10 years of data from our monitor on Ventura Drive.

Valero is committed to supporting EPA and the State of Louisiana in reaching attainment for the St. Bernard Parish. The agencies' revised modeling continues to indicate that smaller emission sources, such as Valero Meraux, are not contributing to exceedances of the NAAQS. Our ongoing compliance with existing emission control requirements, non-attainment New Source Review (NSR), and work practice standards provides the necessary framework to effectively minimize emissions. We look forward to further discussions with the agency on this proposal.

If there are any questions, please contact me at the numbers below.

Sincerely,

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LA060.70 Comment submitted by Louisiana Chemical Association and Louisiana Mid-Continent Oil & Gas Association

Submitter Information

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General Comment

On behalf of the Louisiana Chemical Association and the Louisiana Mid-Continent Oil and Gas Association, I am submitting the attached comments on the EPA Proposed rule, Finding of Failure to Attain the Primary 2010 One-Hour Sulfur Dioxide Standard for St. Bernard Parish, Louisiana, Nonattainment Area

Attachments

LCA and LMOGA Comments on EPA Proposed Finding of Failure to Attain SO2 NAAQS

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January 13, 2022

Docket EPA-R06-OAR-2017-0558
Submitted Via Regulations.gov

RE: Louisiana Chemical Association and Louisiana Mid-Continent Oil and Gas Association,
Comments on the Proposed Finding of Failure to Attain the Primary 1-Hour SO_2 National Ambient Air Quality Standards for St. Bernard Parish Nonattainment Area
86 Federal Register 69210 (December 7, 2021)

To: Docket EPA-R06-OAR-2017-0558

On behalf of our clients, the Louisiana Chemical Association (LCA) and the Louisiana Mid-Continent Oil and Gas Association ("LMOGA"), we are submitting these comments to the United States Environmental Protection Agency (EPA) on its proposed Finding of Failure to Attain the Primary One-Hour SO_2 National Ambient Air Quality Standard for St. Bernard Parish, Louisiana, Nonattainment Area (the "Proposed Finding of Nonattainment").

LCA is a nonprofit Louisiana corporation, composed of sixty-three (63) members with over one hundred (100) chemical manufacturing plant sites in Louisiana. LCA was formed in 1959 to promote a positive business climate for chemical manufacturing that ensures long-term economic growth for its member companies. LCA members are committed to excellence in safety, health, security and environmental performance, and to earning our "license to operate." LCA member companies are cognizant of their responsibility to conduct manufacturing operations in a safe manner that does not pose excess risk to employees, their communities, or the environment.

LMOGA, founded in 1923, is a trade association exclusively representing all sectors of the oil and gas industry operating in Louisiana and the Gulf of Mexico. LMOGA serves exploration and production, refining, transportation, marketing and mid-stream companies as well as other entities supporting these businesses. LMOGA"s mission is to promote and represent the oil and gas industry operating in Louisiana and the Gulf of Mexico by extending representation of our members in the Louisiana Legislature and the Louisiana federal congressional delegation, state and federal regulatory agencies, the media and the general public.

Both LCA and LMOGA have members located in St. Bernard Parish that are affected by regulations implementing the NAAQS, including the SO_2 NAAQS. LCA and LMOGA members have an interest in ensuring that EPA regulatory actions are based upon sound science and are implemented in a non-arbitrary manner. On behalf of its members, LCA and LMOGA submit the following comments and recommendations related to the EPA Proposed Finding of Nonattainment.

EPA Proposal

EPA is proposing to determine that the St. Bernard Parish sulfur dioxide (SO_2) nonattainment area ("St. Bernard area" or "area") failed to attain the primary 2010 1-Hour SO_2 national ambient air quality standard (NAAQS) under the Clean Air Act (CAA or the Act) by the applicable attainment date of October 4, 2018. This proposal is made in spite of the fact that both ambient air monitors in St. Bernard Parish showed attainment of the SO2 NAAQS in both 2017 and 2018, and in each following year up to the present, and in spite of the fact that that the air dispersion modeling conducted by both the Louisiana Department of Environmental Quality (LDEQ) and EPA demonstrated that the area would attain the SO_2 NAAQS. EPA stated that its proposed determination is "based upon review of compliance records for the area's primary SO2 source, the Rain CII Carbon, LLC (Rain) facility, in addition to dispersion modeling based on the allowable limits showing design values close to the SO2 NAAQS." In other words, because the modeling was "close" and Rain may have had compliance issues, EPA is choosing to ignore the object actual ambient air data that showed attainment and that has consistently improved since 2017. EPA's conclusion is not rationally connected to any evidence but is based on conjecture. LCA and LMOGA believe the EPA Proposed Finding is arbitrary and capricious. LCA and LMOGA urge EPA to use a proper weight-of-evidence approach and instead, make a determination that the area has in fact attained the primary 1-Hour SO_2 NAAQS.

A Weight of Evidence Approach Conclusively Supports a Finding of Attainment

Numerous EPA guidance documents have established that attainment is primarily demonstrated through appropriate air modeling and that other information can be considered in a weight-of-evidence (WOE) approach when and to the degree that there is uncertainty in the modeling.[1] Such a weight-of-

[1]See 42 U.S.C. 7511a(c) (requiring that photochemical grid modeling be used to show ozone attainment unless EPA uses an equally effective "analytical method"); EPA also uses a weight of evidence approach in evaluating CAA 179B (42 U.S.C. 7509b) Attainment Demonstrations involving international transport of emissions, final_caa_ 179B_guidance_december_2020_with_disclaimer_ogc.pdf.; EPA has stated that under the Exceptional Events Rule "it is appropriate to consider all relevant evidence and qualitatively 'weigh' this evidence based on its relevance to the Exceptional Events Rule criterion being addressed, the degree of certainty, its persuasiveness, and other considerations appropriate to the individual pollutant and the nature and type of event," 84 Fed. Reg. at 60,921.

evidence approach asks whether the evidence, viewed as a whole, supports a conclusion that the area attained the relevant NAAQS. Under a WOE determination, EPA will consider, in addition to the results of the modeled attainment test, other factors such as actual observed air quality trends (*i.e.* analyses of monitored air quality data); estimated emissions trends, and the degree of conservatism in the modeling approach as compared to observed values. Nearly always, a WOE is performed only when modeling shows that an area will not attain the standard, but modeling uncertainty, coupled with other evidence and statistical analysis indicates that the area will achieve attainment. LCA and LMOGA are not aware of any situation in which EPA has concluded that an area will not attain the standard where the modeling shows that it will.

In the case of St. Bernard Parish, every type of objective evidence indicates that the area attained the 1-hour SO_2 standard in 2017, prior to the October 2018 attainment deadline, and has continued to attain that standard. ***All modeled predictions*** of 1-Hour concentration were below the NAAQS. ***All monitored values*** of SO_2 from the Chalmette Vista monitor [an EPA approved SLAMs monitor] and the Meraux monitor [an EPA approved special purpose monitor that was used in the EPA modeling as background], show design values below the 1-Hour SO2 NAAQS from the 2015-2017 period to the present. The design values have steadily dropped over that period, confirming the control methods modeled were more than sufficient to achieve and maintain the NAAQS. The actual emissions reported in the annual emissions inventory showed a significant reduction of SO_2 emissions beginning in calendar year 2017 and continuing through the present. The permitted PTE of the three major sources that comprise over 95% of the SO_2 point source emissions in St. Bernard parish have likewise been reduced in 2017 and future years. Indeed, EPA's own Supplemental Technical Support Document in this docket, using a weight-of-evidence approach concludes:

> **After careful evaluation of the State's recommendation and supporting information, as well as all available relevant information**, the EPA is proposing to approve the St. Bernard Parish area attainment demonstration for the 2010 SO2 NAAQS **because the modeling analysis support the determination that the Parish will be in attainment with the NAAQS.** Additional, EPA believes that sources within the Parish do not cause or contribute to violations of the NAAQS in nearby areas.
>
> (Emphasis added.)[2]

Despite the abundant objective evidence pointing to the attainment of the 1-Hour SO_2 NAAQS, EPA is now proposing to reverse the recommendation of its technical review team based on the mere conjecture that the emissions from Rain CII may not have met all control requirements of its Administrative Order on Consent and/or Title V permit. EPA did not conduct any statistical analysis or other analysis of the

[2] "Supplement to Technical Support Document for Approval and Promulgation of Implementation Plans; Louisiana; Attainment Demonstration for the St. Bernard Parish 2010 SO2 Primary National Ambient Air Quality Standard Nonattainment Area," Document EPA-R06-2017-0558-0029 (hereinafter Supplemental TSD), at Section 4.4.

dates upon which Rain allegedly had problems in meeting its permit limits to determine the likely impact on the ambient air in any quantitative way. Such a reversal of positions in the face of overwhelming evidence of attainment is the definition of arbitrary and capricious action. The LCA and LMOGA urge EPA to instead make a finding, consistent with all objective evidence, that St. Bernard Parish has attained the 1-Hour SO_2 Standard.

Conservatively Modeled Emissions Show Attainment

EPA concedes in its Proposed Finding and supporting documents that the modeled emissions, using worst case assumptions, show attainment with the 1-Hour SO_2 NAAQS. This should be conclusive evidence of attainment absent significant countervailing evidence under a weight-of-evidence approach. As discussed below, other significant evidence instead supports, rather than contradicts, the modeling results. Table 2 in the Proposed Finding of Nonattainment shows the modeling results, which modeled the maximum potential to emit (PTE) of all the major sources contributing to the ambient design values, including three different operating scenarios for Rain, the largest SO_2 source:

TABLE 2—SUMMARY OF LDEQ SUPPLEMENTAL MODELING RESULTS FOR THE ST. BERNARD PARISH SIP USING THE EMISSION LIMITS AND STACK PARAMETERS FROM THE AOC[3]

Operational Stage	**Modeled Design Value**
Waste Heat Boiler Stack Alone	190.8 *u*g/m^3 (72.9 ppb)
Pyroscrubber Stack Alone	176.6 *u*g/m^3 (67.4 ppb)
Transition between Pyroscrubber Stack to Waste Heat Boiler (transitional stage at maximum design value)	185.6 *u*g/m^3 (70.9 ppb)

In each case, modeling at the maximum PTE for the contributing sources showed modeled design values <u>below</u> the 1-Hour SO2 NAAQS. In other words, the modeling showed attainment.

This modeling was based on conservative inputs, representative of reasonable worst case conditions. First, as noted, the modeling used the maximum PTE. The likelihood that all three major contributing sources would emit at their PTE at the same time is minimal. Further, as noted below, the facilities actual emissions have consistently been below their PTE.[4] In addition, the modeling essentially "double-counted" emissions from the out-of-parish, distant, Phillips 66 source at Alliance, Plaquemines Parish. As noted in the support documents, the actual 2017 emissions from Phillips 66 were included in the model as a conservative measure even though accepted EPA protocols did not require such.[5] Further,

[3] AOC refers to the Administrative Order on Consent between LDEQ and Rain.

[4] Compare permitted values from the permits included in the EPA supporting documents to the actual emissions in the annual emissions inventory reports discussed herein.

[5] Supplemental TSD, Document EPA-R-6-2017-0558-0029 at p. 17.

these emissions were already captured to the extent reflected in the "background" values from the Meraux monitor.[6]

That the EPA SO_2 required modeling protocols result in very conservative predictions of ambient SO2 levels (i.e., overpredicted levels) cannot be seriously doubted. Under the EPA's SO_2 NAAQS Data Requirements Rule, LDEQ placed ambient SO_2 monitors in five locations where the modeling indicated that levels would be well above the 1-Hour SO_2 standard. At four of these locations, more than three years of data collected showed ambient levels at less than 50% of the standard, and EPA subsequently approved discontinuation of monitoring at those locations. This is discussed in, the LDEQ 2020 Louisiana Annual Network Monitoring Plan, submitted to EPA on April 5, 2020:[7]

> In August 2015, EPA issued the final data requirements rule (DRR) for the SO2 NAAQS. Five new SO2 monitors began operation January 1, 2017 as a result of this rule. The rule further allowed for the discontinuance of operations if the following criteria were met:
>
> - Have produced a design value less than 50 percent of the 2010 SO2 NAAQS from data collected in its first 3-year period of operation.
> - Are not located in areas designated as nonattainment of the 2010 SO2 NAAQS.
> - Are not used to satisfy other ambient SO2 minimum monitoring requirements listed in 40 CFR Part 58, appendix D, section 4.4.
> - Are not otherwise required as part of a SIP, permit, attainment plan or maintenance plan.
>
> Four of the five monitors meet these criteria having produced the Design Values found in Table 1 and seen in Chart 1.

[6] *Id.*

[7] Available under the link for annual reports at https://www.deq.louisiana.gov/page/ambient-air-monitoring-data-reports (last visited January 13, 2022).

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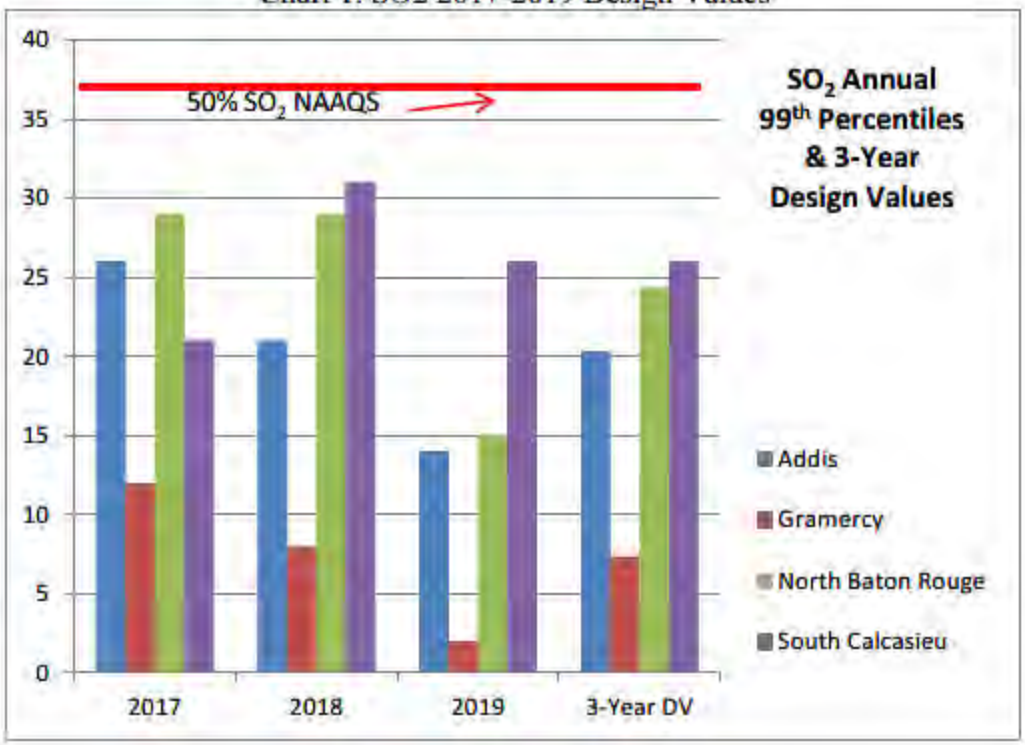
Table 1: SO2 2017-2019 Design Values

Site	Annual 99th Percentile			3-Year Design Value	50% SO_2 NAAQS
	2017	2018	2019		
Addis 22-121-0002	26	21	14	**20**	**37.5**
Gramercy 22-093-0003	12	8	2	**7**	
North Baton Rouge 22-033-0015	29	29	15	**24**	
South Calcasieu 22-019-0011	21	31	26	**26**	

Chart 1: SO2 2017-2019 Design Values



For these reasons, LDEQ requested, and EPA granted, approval to discontinue monitoring at these locations.

Thus, the modeled predictions of ambient SO_2 levels under the modeling done by LDEQ and EPA for St. Bernard Parish is likewise very conservative. Where such modeling predicts attainment, and such

predictions are supported by actual monitored design values at nearby monitors showing levels below the model predictions, such results should be prima facie accepted as evidence of attainment. Moreover, although EPA characterizes the modeled values as being "close" to the 1-Hour SO_2 NAAQS, even the worst operational scenario had a design value at least 2 ppb below the standard (3% below). The other operational scenarios yielded worst case predictions that were 11% and 5% below the standard, respectively. In light of the ambient monitoring data showing compliance well below the standard in 2017 and 2018 (and subsequent years) and in light of the significant actual reductions in emissions in 2017 that have been sustained in following years, the weight-of-evidence certainly supports a finding of attainment. While EPA cited potential issues with Rain's compliance with the values used in the modeling, it did not attempt to quantify those impacts, nor to correlate any issues of compliance problems with any actual impact at the ambient monitoring locations. EPA's failure to do so results in an arbitrary, unsupported determination that the air quality in the parish did not meet the 1-Hour SO_2 NAAQS.

Ambient Monitoring Data Shows Attainment

The ambient air monitor located at the Meraux site, an EPA approved special purpose monitor,[8] has had design values with levels in compliance with the 2010 1-Hour SO_2 NAAQS every year since that standard became effective in 2010. The design value measured at the Meraux site has never been more than 50% of the 1-Hour SO_2 NAAQS. The Meraux monitor is located less than 1.5 kilometers from one of the three major SO_2 sources in the parish (Valero Refining) and is adjacent to an elementary school.

The ambient air monitor located at the Chalmette Vista site, a SLAMs EPA approved monitor[9]operated by LDEQ, has had design values in compliance with that NAAQS since 2017. This monitor is located less than 2 kilometers to the north of the Rain facility, as well as the PBF Chalmette Refining facility, the other two of the three major sources of SO2 in St. Bernard Parish, and is in a residential area. Moreover, the design values at both monitors have steadily dropped since 2017, providing support for the prediction of attainment shown by the emission modeling conducted by both EPA and LDEQ.

EPA shows the monitored design values for these two monitors in Table 1 for the years 2013 to 2020 in the Proposed Finding:

[8] LDEQ operates State and Local Ambient Monitoring Stations (SLAMS), Photochemical Assessment Monitoring Stations (PAMS), Special Purpose Monitoring Stations (SPMS), and a National Core Network (NCore) Ambient Air Monitoring Station as a requirement of the Clean Air Act under 40 C.F.R. Part 58. These stations measure ambient air concentrations of those pollutants for which NAAQS have been established in 40 C.F.R. Part 50. Data acquired from the stations are submitted into the EPA's Air Quality System where it is compared to the NAAQS. LDEQ's monitoring network compliance with the 40 C.F.R. Part 58 Appendix D (Network Design Criteria) and Appendix E (Probe and Path Siting Criteria) is determined through LDEQ submitting an annual report and EPA conducting an Annual Review of the air quality surveillance system, as required for each state in 40 C.F.R. 58.10. The Meraux monitor meets the requirements for SPMS monitors and the Chalmette Vista monitor meets the requirements for SLAMs.

[9] *Id.*

Table 1 – 2013-2020 One-Hour [SO_2] Design Values for the St. Bernard Area

Years	Chalmette Vista Design Value (ppb)	Meraux design value (ppb)
2013-2015	114	19
2014-2016	82	16
2015-2017	73	13
2016-2018	59	10
2017-2019	44	7
2018-2020	42	8

Clearly, the design values since 2017 at both monitors show levels that are in attainment with the 1-Hour SO2 standard.

The trend for the design values has been consistently downward at both monitors. Earlier data from 2010 to present is available in the docket in the Supplement to the Technical Support Document. Table 2 thereof shows that the design value at the Meraux monitor fell from 32 ppb in 2010 to the present value of 8 ppb.[10] The design value at the Chalmette Vista monitor showed a reduction from 331 ppb to 42 ppb.[11]

Most importantly, the actual monitored values at both locations were below the 75 ppb standard as of the attainment date in October 2018. EPA argues that it cannot use these values to directly show attainment because neither monitor is located at the area of maximum modeled impact. However, EPA does not address the fact that these monitors show actual data, and such must be considered as probative and significant in any weight of evidence approach. The fact that the values by the end of 2018, just weeks after the attainment deadline showed design values of 59 and 10 ppb is even more probative that no nonattainment occurred within the parish. The design values are three year averages. EPA should show what the actual values were for calendar year 2017 and 2018, when it alleges problems with the Rain control measures could be sufficient to cause nonattainment.

EPA must quantitatively discuss what contribution resulted from any Rain noncompliance compared to the actual monitored data, which in 2018 was showing a 3 year average of only 59 ppb (and even lower 1 year values). By 2019, that 3 year average was only 44 ppb. Although EPA expresses concern that Rain's alleged compliance issues were problematic give how "close" to the standard the modeling was, the actual data show much improved air quality in 2017 and beyond. EPA's failure to

[10] Supplemental TSD, Document EPA-R06-2017-0558-0029, at Table 2.

[11] *Id.*

discuss this actual monitoring data in any reasoned weight-of-evidence approach is arbitrary and capricious.

Emission Trends Support a Finding of Attainment

The annual emissions data for the three major sources of SO_2 emissions in St. Bernard parish show significant decline, particular since 2017, the year prior to the October 2018 attainment date. The annual SO_2 emissions inventory reporting data showing actual SO_2 emissions for 2013 through 2016 was included in the Document EPA-R06-2017-0558-0008_attachment_14.xlsx, summarized below:

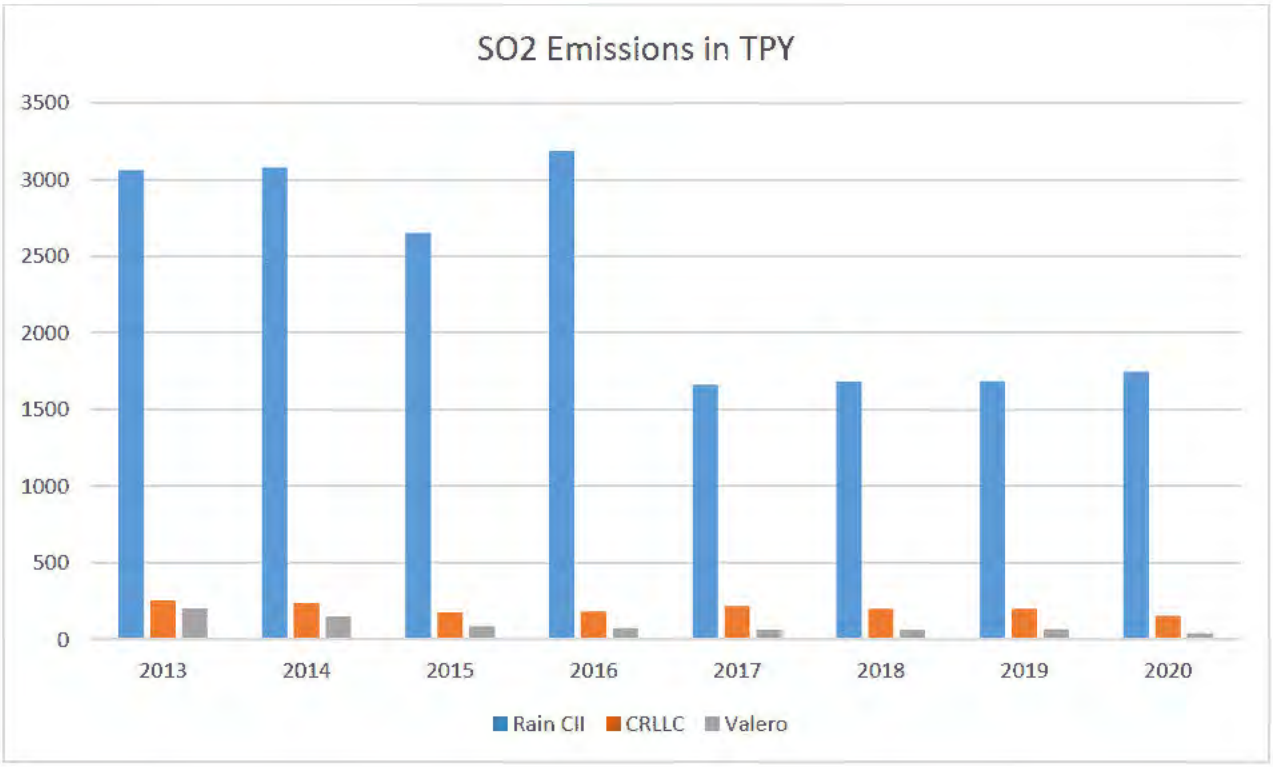
	Sulfur Dioxide Tons/year			
	2013	2014	2015	2016
Rain CII Carbon LLC	3061.9	3077.5	2653.4	3107.9
Chalmette Refinery	253.5	237.6	175.2	183.7
Valero Refinery	201.0	149.1	85.5	73.8
St. Bernard Point Source EI (All sources)	3521.1	3469.1	2927.1	3382.8

The actual emissions data for the years 2017 to 2020, as derived from annual reports submitted to the LDEQ EDMS system is shown on the following table which demonstrates that the reductions sustained first in 2017 dropped by 43% compared to 2016 levels, and such reductions have continued since that time:

Actual SO_2 Emissions Reported to LDEQ Emissions Inventory 2017-2020 in TPY
(rounded to nearest ton)

	2017/EDMS #	**2018/EDMS #**	**2019/EDMS #**	**2020/EDMS #**
Rain CII Carbon	1661 #11165419	1681 #11804448	1683 #12222709	1748 #12715267
Chalmette Refining	216 #11408632	199 #11646254	200 #12222651	153 #
Valero	62 #11165696	62 #11659681	64 #12222627	39 #12715231
Total 3 Largest Sources	1939	1942	1947	1940

In short, the SO_2 emissions reductions in St. Bernard Parish since 2013 are significant, real and have been sustained. These reductions are shown graphically below.



EPA has failed to discuss the significance of these reductions in any meaningful way in a weight-of-evidence approach. In the face of overwhelming evidence that the parish attained the SO_2 standard in 2017 and has continued to lower emissions such that the design values are not "close" to the 1-hour standard, EPA must discuss the impact of these emissions reductions in a weight-of-evidence analysis. Any determination that fails to do so is facially arbitrary and capricious.

Conclusion

LCA and LMOGA appreciate the opportunity to submit these comments on this issue of critical importance to our members. LCA and LMOGA members have worked diligently with the state to ensure that all NAAQS are met. LCA and LMOGA firmly believe that the air quality in St. Bernard Parish met the 1-Hour SO_2 NAAQS by the attainment date of October 2018 and that the air quality continues to be significantly better than required by the standard. We are hopeful that the EPA will reconsider its proposal

using a weight-of-evidence approach. We are confident that if this is done, EPA will conclude that St. Bernard Parish attained the 1-Hour SO_2 NAAQS by the 2018 attainment date.

Very truly yours,

Maureen N. Harbourt

MNH/cfw

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